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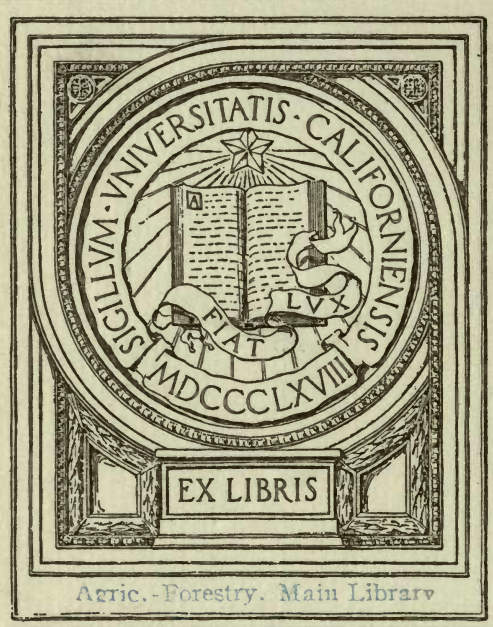

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FRENCH FOREST ORDINANCE

OF 1669;

WITH

HISTORICAL SKETCH OF PREVIOUS TREATMENT OF FORESTS IN FRANCE.

COMPILED AND TRANSLATED BY

JOHN CROUMBIE BROWN, LL.D.,

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ADVERTISEMENT.

"The Celebrated Forest Ordinance of 1669:" Such is the character and designation generally given at the present day to the Ordinance in question. It is known, by reputation at least, in every country on the Continent of Europe; but, so far as is known to me, it has never before been published in English dress. It may possibly be considered antiquated; but, on its first promulgation, it was welcomed, far beyond the bounds of France, as bringing life to the dead; and I know of no modern system of Forest Exploitation, based on modern Forest Science, in which I cannot trace its influence. In the most advanced of these—that for which we are indebted to Hartig and Cotta of Saxony—I see a development of it like to the development of the butterfly from what may be seen in the structure of the chrysalis; and thus am I encouraged to hope that it may prove suggestive of benificial arrangements, even where it does not detail what may be deemed desirable to adopt.

In my translation I have followed an edition issued with Royal approval in 1753, with one verbal alteration to bring it into accordance with certain older approved editions, and with another verbal alteration to bring it into accordance with editions issued in 1699, 1723, 1734, and 1747.

A similar volume on the Modern Forest Economy of France is being prepared for the press.

Information in regard to the culture of woods in France, in accordance with advanced science, is supplied in a volume lately published—"Elements of Sylviculture: a

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Short Treatise on the Scientific Cultivation of the Oak, and other Hardwood Trees," by the late M. G. Bagneris, Inspector of Forests, and Professor in the Forest School of Nancy; and translated from the French by Messrs E. E. Fernandez and A. Smythies, B.A., Indian Forest Service. Details of the application of that science to the cultivation of Coniferæ may be found in a volume I have published, entitled:

Pine Plantations on Sand-Wastes in France.—In which are detailed the appearances presented by the Landes of the Gironde before and after culture, and by the Landes of La Sologne; the legislation and literature of France in regard to the planting of the Landes with trees; the characteristics of the sand-wastes; the natural history, culture, and exploitation of the Maritime Pine and of the Scotch Fir; and the diseases and injurious influences to which the Maritime Pine is subject.—Edinburgh: Oliver & Boyd. London: Simpkin, Marshall, & Co. 1878.

Details of the application of that science made in the *réboisement* of Mountains, may be found in another volume which I have published:—

Réboisement in France; or, Records of the Re-planting of the Alps, the Cevennes, and the Pyrenees with Trees, Herbage, and Bush, with a view to arresting and preventing the destructive consequences of torrents.—In which are given, a *résumé* of Surell's study of Alpine torrents, and of the literature of France relative to Alpine torrents, and remedial measures which have been proposed for adoption to prevent the disastrous consequences following from them,—translations of documents and enactments, showing what legislative and executive measures have been taken by the Government of France in connection with *Réboisement* as a remedial application against destructive torrents,—and details in regard to the past, present, and prospective aspects of the work. London: C. Kegan Paul & Co. 1879.

And an illustration of the change for the better which has been introduced into the Forest Management of France, is supplied by a pamphlet entitled:—"Glances at Forestry in France in 1860 and 1880:" a reprint of papers by me, which appeared in the "Journal of Forestry and Estates Management."

JOHN C. BROWN.

HADDINGTON, *10th April, 1883.*

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FRENCH FOREST ORDINANCE OF 1669;

WITH HISTORICAL SKETCH OF

PREVIOUS TREATMENT OF FORESTS IN FRANCE.

PART I.

TREATMENT OF FORESTS IN FRANCE, PREVIOUS TO THE ISSUE OF THE FOREST ORDINANCE OF 1669.

—o—

CHAPTER I.

EARLY HISTORY OF FORESTS, FOREST TREATMENT, AND FOREST LEGISLATION IN FRANCE.

In M. Cezanne's *Suite* to the *Etude sur les Torrents des Alps* I find an historical sketch of the *Deboisement* of France, or destructions of woods and forests, which have rendered necessary the *Reboisement* of the mountains as a means of arresting and preventing the disastrous consequences and effects of torrents, in which he thus speaks of the Forests of France in prehistoric times:—

'At the beginning of the stone period of history, when the first human families commenced settling along the shores of France, what proportion of the whole superficies of France was that which was occupied by forests? What was this proportion of the superficies occupied by forests

at, and for some time subsequent to, the great migrations of the Aryan race, the different streams of which traversed and peopled Europe? What, again, was it in the times when Gaul, then populous, overflowed upon Italy, with Bellorese and Brennus, and hurled its adventurous bands as far as Greece and Asia Minor? Was it three-fourths? was it nine-tenths? This will never be known!'

But again he writes in the same connection:—

'If we would represent to ourselves Gaul as she was in the days of Cæsar, we must picture it as covered with sombre forests, broken here and there by cultivated clearings, such as still are seen in some parts of Russia and of America. But thereafter the slopes of Provence and of Roussillon were denuded of wood, and stood bare as did Greece, in regard to which Plato, so early as 400 years before the coming of Christ, deplored the destruction of the forest shades of an earlier day. Between the territories of two tribes of Gauls the forest would stretch itself as a natural frontier, which the progress of cultures, of carpentry, of smith work, and of shipbuilding, such as it was, would slowly cut away. But the forest vegetation still all-powerful, would reign in the mountain regions, would control the terrestrial streams, and would with energy repair such losses, which would be but rare, as the tempest or fire might occasion.

'From the campaigns of Cæsar dates the commencement of war formally waged against the forests, a war of twenty centuries, which has failed, as we may see, to exhaust itself by a complete extirpation of these forests.

'The commentaries of Cæsar show us the forests being burned sometimes by the Gauls to arrest the pursuit of them by the Romans, sometimes by the Romans to force the retreat of Vercingétorix.

'Colonisation followed conquest, and devastation extended the traces of the war; but at that time *déboisement* or the destruction of forests was, if we may say so, *legitimate;* it extended the domain of civilisation at the expense of the forests which still preponderated.

'The barbarous Germans who invaded the Empire, accustomed to live in the forest, and worshippers of sylvan deities, had a sympathetic feeling for the forests of Gaul. The Salic Law, the law of the Lombards, protected the forests under pain of fine or forfeiture; and it cost nearly as dear to fell a tree as to fell a man. If the forests of Gaul were diminished by the wars of the Romans the devastations of the fourth and fifth centuries restored to them large spaces lost then to cultivation. So at a later period, after the passage of the Normans and the Saracens, thick forests covered the cantons of the wealthy colonies which had been previously cleared of wood, and there are still found among the pines in some of the woods of Provence stumps of olive trees planted by the ancient Phonecians.'

Thus far M. Cezanne. Subsequently the settlement of the Normans, or Normands, in France, gave a new aspect to the treatment of the forests; and everything connected therewith has an interest for the student of Forest Science.

On the rise of the Carlovignian dynasty in the middle of the eighth century it extended its dominion to the North till it came into collision with the Scandinavian tribes of Denmark. These maintained their independence, and in a short time thereafter there began piratical expeditions, fitted out by the people living in Denmark, in Norway, and in Sweden. The object of the expeditions undertaken by the Vikings may at first have been robbery and booty, but the ultimate result was their conquering and seizing territories and dominions.

The expeditions fitted out in Sweden seem to have been directed mainly against the Finns, and the Livonians and Estonians, and Russia, in which country their influence had much to do with the civilisation and advancement and influence of the State of Novogorod, which was founded by them. The Danes directed their expeditions more against the southern shores of the Baltic, and the northern shores of the German Ocean, or North Sea, and the north

of France, and England, which in the beginning of the eleventh century was completely overrun by them, and became a united kingdom under Canute the Great. The Scandinavians of Norway directed their expeditions more to the north, and further to the west, to the Faroe Islands, the Shetland Islands, and the Orkneys, whence they spread along the East Coast of Scotland, in the Hebrides, and in Ireland, where, in the twelfth century, kings of the Norwegian race reigned in Dublin until the establishment of the English dominion about the year 1170.

Dr Broch, in a work entitled *Le Royaume de Norvége et le People Norvégien*,* on whose authority I state these facts, goes on to say:—

'From Ireland the Norwegian Vikings directed their way towards the coasts of France, combined and mixed with the Danish Vikings come from England and from the Frisian coast, as also with the Swedish Vikings, and devastated those coasts, then under the incapable successors of Charlemagne. By its riches this coast presented to the invaders from the North the most attractive prey. The Frank Monarchy having reached its apogee under Charlemagne, had already begun to decline under his son, Louis the Pious, or Le Debonnaire; and under their successors it became a prey to the scourge of civil discords which ended in the dismemberment of the great empire, and the destruction of all its military forces at the great battle of Fontenailles, on the plains of the Auxerrois, in June 841. It was there that Lother, followed by the Franks of Austrasia and in part of Neustria, and also those of Aquitains, was conquered by the brothers Louis and Charles, surnamed the Bold, after a struggle bloody for both parties. According to Martin, 'the force of the carnage fell upon the Franks and the Aquitains; and the flower of the Frank race perished in this fearful field of battle. A great many writers, some of them almost contemporaries, others more recent, exaggerating still more

* Christiana: P. T. Mallin, Rue Carl Johan. Paris: Challamel Aine, Rue Jacob 5.

the terrible extermination of Fontenailles, maintain that the forces of the Franks were so enfeebled, and their warlike spirit so felled by this combat, that from that time forward, far from making conquests over their enemies as they previously had done, they were no longer capable of defending their own frontiers."*

'Two years later, in 843, the Vikings, combined under the terrible Hasting, of whom, beyond this, nothing is known of his country and origin, and ascended, pillaging and devastating, the courses of the Loire and of the Seine. All the coast from the embouchure of the Rhine to the frontiers of Spain, and even the Spanish coast of Galicia, were ravaged with a daring and a cruelty till then unheard of. The Norman Vikings ascended the Loire to Tours, and the Seine to Paris, both of which cities they took and pillaged, together with the rich churches and convents around them.

'These expeditions extended already, at this period, to the most southern coast of Spain on the Atlantic; and Seville, which was then in the hands of the Moors, was twice—first in 843, and again in 845—surprised and pillaged by the Norman Vikings.

'The largest and richest towns in France — Rouen, Nantes, Tours, and Bordeaux, were retaken many times and pillaged; and at the embouchures of all the great rivers flowing into the Atlantic Ocean the Vikings established fortified encampments, in which at times they wintered, and whence they made most audacious inroads into the very heart of France. The powerless Carlovignian kings sought to purchase deliverance from their attacks with gold; but this poor resource only so far prevented the evil by exposing without covering the feebleness of the kingdom, When any one of the chiefs had received a large sum to keep the peace, he often doubtless returned to his home, or retired to some other country; but his promise was not obligatory on his people, and there were formed of them new bands of invaders under other chiefs.

* Henri Martin's *Histoire de France*. 4to edition; tome ii., pp. 414 and 415.

'England was in a like manner ravaged by the Danes, who, in the latter half of the ninth century, inundated that country from one end to the other, perpetrating in it the most terrible devastations.

'In the commencement of the tenth century there appeared in the midst of these bands of pirates a chief who consolidated their power in France, and who put a stop at the same time to the most terrible devastations, by giving more of stability and permanence to their influence in the country, and by embracing Christianity. This was the Norwegian Rolf—called Rollo by the French writers—son of the Norwegian jarl Ragnvald, from the south part of Ramsdal. Rolf had been exiled by King Harold of the fine locks, because that, on his return from one of the expeditions he had made on the Norwegian coast, what was called a *strandling*—that is to say, he had carried off cattle for his ships without the consent of those to whom they belonged. Rolf directed his way then towards the west, where he put himself at the head of a large troop of Scandinavian Vikings, and seized the devastated country around the embouchure of the Seine. He established his residence there with Rouen as his principal seat. 'There,' again to quote Martin,* 'the Normans of the Seine had two very different modes of acting with regard to the Neustrians. Outside the settlement they continued their rapines and their accustomed violence; but within the country which they had appropriated, and which they already called by their name — Northmannie, or Normandy — they conducted themselves as intelligent masters, and no more as blind destroyers; they made the slaves work for them instead of killing them, and they imposed a regular tribute on the traders and peasants who gave themselves to agriculture and commerce. The few and scattered subjects of the Normands were now less unfortunate than the poor people of the other provinces, for the men of the north

* Henri Martin, *Histoire de France*. 4to edition, tome ii., p. 468.

did not carry on with them a system of universal pillage, and the land rested tranquil behind them when they were absent on business.

'The King of France, Charles the Simple, hoping to put an end to the incursions of the Normands, whom he had not strength to drive away, resolved to gain them over, and offered to Rolf the hand of his daughter Ghisèle, with the cession of the country lying between the ocean, the rivers of Epte, Eure, and Aure, and the frontiers of Maine and Brittany, on condition that he would submit to baptism, and become a vassal of the king. In the course of the negotiations Rolf required that Brittany should be ceded to him, to which Charles consented with great readiness; but this country not belonging to him he only ceded to Rolf the right to conquer Brittany, if he was sufficiently powerful to do so, On these conditions was concluded, in 912, the peace which made Rolf the forefather of the powerful Normand dukes. Rolf received baptism from the Archbishop of Rouen, and took there the name of Robert.

'This epoch marked the termination of the piratical expeditions of the North-men against the coasts of France. Normandy became organised under the powerful hand of Rolf, and became the richest and most populous of all the provinces of Western France. Following the example of Rolf, the greater part of the men embraced Christianity. According to Martin, in his *Histoire de France*,* the gospel conquered the Scandinavians, and scarcely had they become Christians when they, with all their energy, placed themselves at the head of the Christianity of young France, and of the renewed civilisation; they took the initiative in everything and everywhere; they renounced their language, as they had done their gods, to take up the Romance language, and to make it the vehicle of a new poetry, arts, letters, monuments—all of these had been destroyed by them: they contributed now powerfully to restore them all, and thenceforward they gave themselves

* p. 498.

up to the most profound inspiration of the Celtic spirit, and they were, if not the creators, the great propagators of the spirit and society of chivalry.

'Normandy now became the centre of an intellectual impulse which increased its powerful influence on the rennaisance of England and of France, and we may with some certainty add, and that of Italy, and one of which the whole of Europe has felt the influence.

'We hear nothing more of the expeditions of the Vikings. These may be considered as having ceased from the middle of the eleventh century.'

Leaving my readers to imagine for themselves what influence such a new factor must have exercised on the mode of life and practice of the so-called nobles, I resume the statement of M. Cezanne:

'With the Carlovingians there was opened a new era. Passionately delighting in the chase, they protected the forests to preserve the game, and more especially the larger kinds of game, such as the elan and the aurock, which had even then become scarce, and is now reduced in numbers to a few individuals, the last heritage left by Charlemagne, which are preserved at great expense by the Emperor of Russia. To secure for themselves their favourite sport, the princes of the second race seized possession of the forests, and every *seigneur* followed their example most zealously in proportion to his power. Forest property then experienced a transformation, which it is interesting to note, for the efforts violently brought about at that period have caused themselves to be felt even in the present day: in point of fact, it is from this seizure of possessions that date the greater part of the private properties as well as the public domain of forests.

'At an earlier time, and until then, with the Gauls for example, the forests were undivided; the forest was not *communal*, in the modern acceptation of that term, but *common* and public, everyone pleasing himself with it, and making use of it according to his liking. The

Romans, a military and an administrative people, familiar with the abstract idea of a *res publica*, or commonwealth, had left the forests undivided; but they had regulated, or reduced to rule, the use to be made of them, as they had done also in regard to the waters: they had an Administration of Forests and Roads, *provincia at calles et silvas*, with special officers, *saltuarii*, or foresters. The barbarian conquerors, on the contrary, proportioned amongst themselves the soil of which they became proprietors, or *seigneurs*, and appropriated the forests. In the beginning, the traditions of indivisibility and of communism were persistent; and the ancient colonists, now become serfs, preserved at first the right to the use of the forests, now seignorial or royal. But under the Carlovignians the feudal system became organised; and the proprietorship of forests became nearly absolute, especially in the provinces of the North. In this part of France, the land of common-right, there came to prevail at length as a maxim, *nulle terre sans seigneur*, there must be no land without a *landlord*, or lord of the manor, that is to say, in other words, all common or undivided lands, and thus the forests belong to the seigneur or lord of the manor. In virtue of this principle the seigneur defended the forest with jealous care, and he even extended it at the expense of the cultivated ground, under pretext of the right of the chase or of a warren.'

M. Cazanne remarks in a foot-note: 'In the Latin of this epoch, *foresta* signified *reserved property*, or *guarded chase;* what we to-day call *forest*, would then be called *sylva:*' and thus is it still in Britain, in English legal phraseology.

The so-called game laws belong to the category of forest laws, and all of these relate to the chase. In an old book, published first in the winter of 1598-1599, entitled "A Treatise on the Laws of the Forest and of the Purlieu, wherein is declared not only these laws, but also the original and beginning of forests; what a forest is in its own proper nature, and wherein the same doth differ from

a chase or a warren, with all such things as are incidental or belonging thereto," it is stated by the author, Manwood, a writer deservedly held in reputation as an authority in such matters, that 'a forest, in law, is a certain territory of woody grounds and fruitful pastures, privileged for wild beasts and fowls of forest, chase, and warren, to rest and abide, under the protection of the king, for his princely delight, bounded by definite marks determined by record or prescription.'

The existence of trees in a forest, as defined by the English law, in France at the time in question, was a mere accessory, and of importance only as affording covert and shelter for game; and it is mentioned by Manwood, in regard to forests as thus defined, 'there have existed certain laws and forest courts for the adjudication of these laws.' Such is forestry in English law, and such was forestry then in France.

M. Cezanne goes on to say:—'By degrees the possession of a forest became the visible sign of seignory, or of nobility, and the condition of admissibility to certain honours; there was no baron, however petty, who did not maintain a wood on his property; and in case of lack he usurped some field in the neighbourhood. The title deeds of the middle ages are full of contentions, in which is seen a descendant of the Gallo-Romans claiming his vineyard or his meadow, incorporated by violence in the forest of the Frank seigneur.

'In the South of France the Roman law remained in force, but not their policy: the forest which previously was public, became communal, and the destruction of woods, subjected to no administration or control, proceeded more rapidly than it did in the North.

'Amongst the most active of the clearers away of woods in the middle ages we must reckon the monks. (1) A hermit retired into the solitude of the woods; some disciples joined him there; the place became sacred; a community was founded, and uprooting the trees around

them, little by little, they gnawed away the forest, which was replaced by cultivated fields. (2) With time the community became rich, lost its civilising energy: it no longer uprooted to fertilise; it devastated to enjoy. The secular clergy themselves looked favourably on the uprooting of woods, that they might have the tithes of the produce of the land, which they claimed as theirs of right.

'A very great many of these attacks upon the woods were in the beginning made legitimate by a regular licence, a deed granted by the seigneur or the king in a fit of liberality. The deed, it is true, did not confer more than a *usu-fruct;* but in these times of disorder no police put limits to the abuse of this, and the consumption of timber and of firewood increasing with the progress of industrial operations and of comfort, the disorder of procedure became general. In vain did every seigneur, and the king himself, establish regulations, and appoint forest agents; nothing could now arrest the accelerated and truly frightful progress of *deboisement*—the destruction of woods, and the men, then indeed few in number, who looked to the public weal, began that united cry of lamentation of which we hear still, even to-day, the prolonged echo.

'The first ordinnance in regard to forests was that of Philippe-August, 1219 A.D. Already, and even previously, high personages had taken, like the king, the title of Lords of the Waters and Forests; but their rights were not established till they were confirmed, towards the close of the century, by an ordinnance of Philippe le Bell, 1291 A.D. It appears, from the considerations embodied in the ordinnances issued, that the forest-agents were the cruellest enemies of the forests; they encouraged abuses of them that they might draw profit from them. Saint Louis forbade the foresters to accept of any present.* Charles V., surnamed le Sage, and who deserved the name—for

* On one occasion the king himself accepted a present or gift made to him, but being reproved by his seneschal, he acknowledged he had done wrong. *Histore de Saint Louis, par Jourville.* Paris, 1867; p. 439.

traces of him are found invariably wherever researches are made into the origin of the French administration—was the first to subject the management of the forest to regulation; he thought to create a navy, and in view of the building of vessels, he issued a *Reglement General des Eaux et Forêts.* 1376 A.D.

'In the fifteenth century we find the nobility depressed, and in the place of the seigneur or lord of the manor, the king more enlightened, more paternal, but further removed from his people. The communes enfranchised and strongly organised, everywhere develope agriculture and manufactures at the expense of the forests; *Usages* or forest rights, resting on use and wont, multiply; but soon the scarcity of wood occasions a rise in the price of wood for carpentery and fuel, and a clamour is raised against the abuses; from 1515 to 1588, Francis I. and his successors multiply edicts; 1543 A.D. the jurisdiction of the Royal lords of the forests was extended to private forests; 1557 A.D. uprootings by the bishops were prohibited; 1543 A.D. the establishment of forges and of manufactures, which were destructive to the forests, was subjected to regulation; and they established jurisdictions and appointed functionaries. But the vices of the administration, religious discords, and civil and foreign war, rendered sterile those efforts, the history of which does honour to Francis I.

'With Henry IV., and Sully, and Louis XIV., and Colbert, the seventeenth century was an era of reparation. Two principal ordinances governed the legislation: the edict of 1597, entitulated *Reglemant General des Eaux et Forêts,* and the celebrated ordinnance of 1669, a veritable first code, to which the forest properties of private parties were subjected, as were those of the state.'

It is to this last that attention will be called in the sequel. But in order to its being properly appreciated it is desirable that something more should be known of the circumstances in which it was issued.

CHAPTER II.

FOREST ADMINISTRATION IN FRANCE IN THE FIRST HALF OF THE SEVENTEENTH CENTURY.

By the middle of the seventeenth century woods and forests in France had come to be valued for their products, more than for the shelter which they afforded to game. But they were subjected to such devastation that one far-seeing statesman at last perceived that the existence of the nation in a state of vigour was being perilled by the destruction of the woods and forests, and he gave expression to his fears in the oft-quoted saying—*France perira faute des Bois!*—France will perish through lack of woods. It was Colbert, the Minister of Louis XIV., and no one acquainted with the condition of the forests and of the forest service at that time will be surprised that such was his utterance.

The following is a translation of a manuscript report preserved in the National Library of France, *La Bibliothèque Nationel.* It bears the title, *Rapport au roi sur la Provence de Touraine par Charles Colbert de Cressy, Commissionaire departé, en* 1661.

'FORESTS OF THE PROVINCE OF TOURS.

'The woods of this province are as extensive, and they are as badly managed, as are any in any other Department in the kingdom. All this Department is managed by a Grand-Master of the old school, who has for colleagues another like to himself, and a third like to them both: the first is called Taschereau, the second Lignieres, and

the third Duplessis-Bouleau. They are all equally comptrollers-general. There are two receivers-general of woods, and there are reckoned thirteen *maîtrises*, or divisions, each under a forest-master, viz. :—

TOURS.

'In this *maîtrise* there is but one forest-master and a king's attorney, or *procureur de roi*. There is, moreover, no wood of which any use can be made; the only one which appears is that of the park of Plessis, which is of very limited extent, badly planted, and beginning to decline.

AMBOISE.

'There is no forest-master; the lieutenant is the priest, and the *procureur de roi* is no great things. Of woods, there is only the Forest of Amboise divided into three cantons: that called the High, that called the Low, and that called the Middle Canton. The Low Canton is a wretched coppice-wood on wretched ground, and is devoid of *baliveaux*, or standards reserved for the re-seeding of the wood; the Middle Canton is a young timber forest, well conditioned, where, for ordinary sales they have given up seven *arpents* or acres for exploitation by *Furetage* or *Jardinage;* in the High Canton there still remains a little coppice, which might be turned to profit if it were well conserved.

'But the licence taken here is so great, and the officers do their work so badly, that all the inhabitants of the environs send thither an immense number of cattle: and more, they come themselves every day, to the number of three hundred and more, with carts and beasts which they fetch from people belonging to Chinon, Azay, Rivarennes, and other places; and the officers on their part pillage the forest and despoil it. It is impossible to see the extent of the greater depredations. Those who are most accused are the Bishop of Nantes, the monks of Turpenay, and M. de Vassé. There are four arrant guards bound to see to the conservation of the forest, who, by themselves and

their deputies, have ruined and pillaged it. We have gone there; we have made an inventory of all the papers of the *maîtrise;* have reconnoitred the boundaries in presence of the officers; caused to be made in our presence a survey and chart of the forest; carried out the ordinance in regard to all that borderers, usagers, and others claiming rights had to produce their titles to; questioned the officers in regard to their functions and their performance of their duties; and sub-delegated for giving instructions relative to the reformation, to the Sieur Milen, assessor of Tours, who is labouring in this incessantly.

'There are but few usagers and usurpations. The Archbishop has a usage entitling him to 52 cords of firewood, and to the entire so-called *Great Usage.*

LOCHES.

'For officers there are in the *maîtrise* of Loches a forest-master, called Armience, who does not sin through ignorance; a lieutenant, who is a young man; and a *procureur de roi*, who is no great things! For woods there is only the Forest of Loches, which is a considerable one; it contains in all 6000 *arpents*, or thereabouts; and a soil which is very unequal in quality. There are some cantons which are very good, others which are very sterile, and others of medium quality.

'There are about 5000 arpents under wood, namely, 2000 of timber forest fenced, and 3000 of coppice of unequal quality—some pretty well conditioned, and some impaired by browsing; the remainder of the forest land is empty and waste-land.

'There are always executed there four kinds of fellings, namely, 25 arpents for the king; 10 arpents for the officers; 12 to 13 for gratuitous gifts, as they call them; and 15 for firewood for the grand-masters.

'It may be said that generally the soil in this forest is good, and very proper for wood; the young shoots spring up so abundantly that it is necessary to make clearances of them to give air to the young reproduced timber forest.

'It may be remarked that the ground is covered alternately with oak and with beech, according to its nature.

'The Carthusian monks have a choice of 700 arpents, which they cut 100 arpents in extent, at ten leagues from Ambroise, which constitutes part of the *maîtrise*.

MONTRICHARD.

'The whole charge of this *maîtrise* is in the hands of the aforesaid Marquis of Lourdes, who has acquired this as being concessionaree of the domain of Montrichard, and he claims on this account right to dispose of the forest—both of the coppice-wood and the timber forest; and he has had the happiness to have no officers to say him Nay! He has only the Forest of Montrichard which pertains to this mastership. It contains about 1500 arpents. The said Marquis, without either reason or title, has caused to be felled at one time alone, between 600 and 700 arpents. A continuance of this has been interdicted by a decree of the Council. The soil of this forest is very good, and well adapted for the growth of wood. The coppice-wood, so far as it remains, is beautiful, growing well, and being well planted; there are also timber-forests, perfectly beautiful; and there are few having rights of usage. Le Sieur Daltonneau, lieutenant-general of Loches, is the sub-delegate for this reformation.

CHINON.

'This mastership has only the Marquis of Beauvau for forest-master, who has the entire charge. He has for lieutenant a very old officer, who is also very capable, but who has not done his work too well, any more than has the master himself done his.

'Of woods, there is the Forest of Chinon, divided into five wards, and containing about 5000 arpents in all.

'There is a high forest, which is of the nature of a timber forest, consisting of trees of different ages, the greater portion of them scattered and ill-assorted through the great depredations which have been committed among

them, and almost all the trees are lopped of head or stripped of branches; the felled parts are ruined, destitute of ditches, destitute of shoots or saplings, destitute of *baliveaux*. There should be 3400 arpents, and there are made ordinary fellings of 34 arpents, which it will be necessary to reduce, seeing that there are not in all 2500 arpents well stocked. The Archbishop of Tours is proprietor of the half, but indivisible share of this.

'The low forest contains about 1500 arpents, and is totally ruined. There are nothing but heaths, excepting in certain places where is a timber forest composed of a mixture of poles and *baliveaux* on good soil. The whole forest contains 2200 arpents at least—viz., 450 of timber forest growing well, and which should not be touched; and 150 arpents of old coppice fit for exploitation; and about 1600 arpents of timber forest, which the Marquis of Lourdes holds as alleged concessionaree, in regard to which he is at present engaged in a lawsuit with the Receiver of the domain appointed by Parliament. It has always been pretty well conserved. There are four guards and a sub-delegate ranger, le Sieur Milen. There are four parties who have rights of usage. There have been many usurpations, or at least claims which appear to have been only recently made. The Marquis of Lourdes has made some fellings of copse wood without right or valid title. There is also a *bocqueteau* [bosque?] of timber forest. There are four claimants of Great Usage; they are parishes. There are four parishes which claim rights of pasture. There are numerous usurpers of rights which they claim, and under divers pretexts there are numerous depredations committed.

'What does most harm to the forest is, that there are certain vagabonds who have betaken themselves to the caves and quarries in the environs of Loches. All the wood held by private persons and communities in the vicinity of the rivers Indre and Indrois, and the streamlet Bangerais, are held of the king.

'The President and Lieutenant-General of Loches is the sub-delegate.

'The principal abuses which we have observed within the bounds of the said Province in connection with the woods, are primarily in relation to fellings: of which besides their being disposed of at a very bad price, and at two-thirds of what is their value, through the malversations and collusions of the officers, it was reported to us that some buyers who had had the price greatly raised by others, through some misunderstanding between them, bidding against them, reimbursed the loss by carrying off three or four times as much wood as they had done in previous years. And the result of all is, that so far from the forests bringing profit to the king, the proceeds do not repay the expenses incurred, to meet which the proceeds have to be supplemented constantly by from 3000 to 4000 livres from the general funds of Tours. They have exceeded the ordinary extent of fellings, and they have gone beyond these in the work of exploitation, without these officers being ever called on to make any verification of what had been done, and that although they had themselves prepared the titles for the merchant-traders at the time of the auction; whence it followed further, that no *baliveaux*, or seed-bearing trees, had been reserved in the fellings; that these had not been ditched; that they had not produced a single new shoot; and, in fine, that the first canton in the forest, in which they had carried on these fellings, had been destroyed beyond hope of restoration. These same officers, or others, had taken occasion from this subsequently to get the ground passed and adjudged void and waste-land, which would have ultimately caused the extirpation and universal annihiliation of the woods in the Department, if the evil had been continued.

'The damage which has been done to the aforesaid woods of Bocqueteaux, and the fact that important good woods are alienated at a miserable price by the interposition of influential persons, and the collusion and prevarication of the officers themselves, are well borne out and attested in the Forest of Bauge, and in those of Bercé, Rouvre, and Boiscarbon.

'That the mortgagees of the domains—who are entitled only to enjoy the ordinary fellings of coppice, which are always kept in the condition of coppice—not being content with this, have presumed to cut the shoots of fellings in the timber forest, which were assuming the character of timber trees, as at Amboise, Montrichard, and Loches, which will lead in the end to the ruin of these timber forists, and will bring an unjust advantage to the said mortgagees, and a considerable deteriment and damage to His Majesty.

'That the officers of the Marble Table of the Palace in Paris remain in a very blameable way asleep, while the officers in the provinces, over whom the said officers of the Marble Table—and especially the *Procureur-général*—should keep watch, as the greatest enemies which the forest have, who injure and ruin them—the greater part of them having no idea of their charge beyond doing this, is bad enough; but these officers of the Marble Table are still more to blame, and more especially so the *Procureur-général,* in that they do not decide appeals from the Forest-master, if they do not feel themselves some personal interest in the arrangements which they make with the appellants for the moderation of the restitutions and penalties. And in regard to this there is one thing should be noticed: it is that in no case have the penalties imposed by the masters ever been increased at the Marble Table; on the contrary, they always diminish them; and the reason why they do so is this, they allege that they are bound to make the penalties received by them payable to the Receiver in Paris, this being a fund for the guarantee of salary; from all which it comes to pass that misdemeanours or depredations being but slightly punished, if punished at all, the neighbouring inhabitants commit them without any dread.

'We are astounded by the number of fires which occur in the aforesaid woods, there being no forests in which there have not been many within a few years past; and recently they have extended to Chinon, to Amboise, to

Bercé, and to the Forest of Malièro; it appears manifestly necessary that an endeavour should be made to find out some remedy which may prevent the occurrence of such disasters in the future, which are attributed generally to herds and people who have no excuse for what they do.

'In fine, the bad treatment and bad use made of their woods by all Ecclesiastics deserves special attention, and some appropriate measure.

'We shall say no more here of the doings of the Marquis of Lourdes, Baron de Courcelles, the Bishop of Bayeux, and Sieur de Lourches, though they be very considerable in this department, having said enough of them in the special reports.

'In like manner we pass over in silence all the other abuses which we have acknowledged to be of minor consideration, or which are so common in all other provinces as to be of ordinary occurrence; and this we have done the more readily that punishment can be made to follow in the track of the reformations which we have begun to institute.

'We have not considered it required of us to report here what may be done to regulate the ordinary fellings, and the charges for firewood; the wages and duties of officers; and the firewood claimed by usagers; and this the more that the reformations are presently being carried out with all the zeal and diligence that can be desired. By this means will be known shortly the condition and possible yield of each forest, the officers who remain employed, and what it would be just to award to them, and who may be the true usagers, and what are their rights.'

Such is the report. Such a state of things might well rouse the spirit of an honest man who was a patriot. I find it more satisfactory in my studies to read such papers than to read the narrative of the poetic historian; though

such a narrative I find it more pleasurable to read. Such documents enable me, I fancy, to realise more correctly the state of things at the time of their production, and in making this translation I felt I was translating the statements of a man thoroughly disgusted with the men—be they bishops or archbishops, marquises or barons, gentle or semple—who could do such things, and with the Government and system of government under which such a state of things could arise and exist. Contemptuous terms and phrases are used as if it would defile the language in its purity to speak of such doings in phraseology current amongst noble-minded gentlemen. Too well, perhaps, did he know that such abuses of power and office were not uncommon at that time in France, but were general; and that this was only one manifestation of them in the Government Department of State Forestry. But it was the one with which he had then to deal, and though ready loyally to fulfil the command of his sovereign to report on the state of things in this part of the Augean stable, his soul loathed what he saw, and he did not hesitate to manifest his loathing.

Of the proceedings which followed, the following account is given by M. A. Joubain, Inspector of Forests, in the *Revue des Eaux et Forêts*, *Annales Forestière* for April 1879:—

'Under what by Martin in his *Histoire de France* is called "the foolish and corrupt government of Marie de Medicis," the most serious abuses had obtained footing in all departments and offices of the State. Absorbed with the realisation of three great projects, the weakening of Protestantism, the humiliation of the Great before the Royal power, and the securing of a preponderating influence for France in Europe, Richelieu had not time to attend sufficiently to the internal administration of the kingdom. His successor was in this respect incomparably worse. He himself set the example of dishonesty; and corruption amongst the representatives of government and amongst all holding authority of any kind became, especially

during the latter years of his ministry, an evil so prevalent and so deep-rooted, that it must have appeared almost incurable.

'In the midst of all this corruption, the officials of the mistress of the moors and forests unhappily did not maintain clean hands. The Royal Forests were, under the ministry of Mazarin, the theatre of hateful and innumerable abuses; but the death of the Cardinal was the precursor and signal of the most serious reforms in every administrative and judicial organisation in the kingdom. Scarcely, indeed, had he succumbed, on the 9th of March 1661, to the attacks of gout which had tortured him for a long time, when Louis XIV. called together the other ministers and other advisers of the Crown to declare to them that he willed from that time forward to be governor himself, and *to restore everything to order*. It was indeed a heavy task he had undertaken; but the king was not slow to prove that it was not beyond his strength. Aided, prompted even by Colbert, whom a thorough practical knowledge of business and exceptionally lofty views fitted for the conduct of all, he undertook without hesitation, and without misgiving or weakness, the great work of social reconstruction upon which he had been meditating for years.

'In the month of September, as is known, the all-potent superintendent was arrested, and his trial was prosecuted with great rigour, in despite of the influence of high personages, and of the queen-mother herself, with the result of his being condemned, according to the Memoirs of Madame de Motteville, as "a great robber." Two months after his arrest a royal ordinance instituted a Chamber of Justice for inquiring into abuses and malversations of finance committed from 1635 onward, which manifested all at once an energy and remarkable severity. *Maîtres des requêtes* were at the same time sent to different parts of the kingdom, to supply information to the king of everything relating to the administration. By this means all was brought to light in most provinces, and in others

a salutary terror was spread amongst the guilty. The misdeeds of the forest officials, moreover, attracted the attention of Louis XIV. and of Colbert. On the 15th October 1661, there was delivered a Decree of Council which, after having established that the greatest disorders had been introduced into the forests of the domain, enjoined, with a view to avoid the complete annihiliation of these, a reconnoissance of the area of each block; of the kinds of trees of which they were composed; of the fellings executed since 1635; of the portions alienated, usurped, or exchanged; of the number of parties holding rights, and of the returns from these. These *Reformations*, as in the language of the time and country they were called, comprised the complete forest service. They were to be reported by the grand masters, or failing them, by the Comptrollers-General of Waters and Forests. But, no doubt, it was not long before it was seen that the officers of the highest grades were often themselves implicated to a great extent in the criminal acts which they were required to point out; and it was decided very properly, to send into the provinces "Inquisitors" more independent and more trusty. These "Commissioners" were generally *Maîtres des requetes*, or Chancellors of the King. They set to work in 1662, and in the year following, enlightened by their first reports, Colbert addressed to them, 10th March 1663, complete and detailed instructions in regard to the end of their mission, and the measures to be taken to accomplish this.

'The principal passages of this document may enable any one without difficulty to conceive the fearful disorder.

'The *instructions* pointed out, for example, the greater part of the malversations to which officers of the Crown, both high and low, had given themselves. "It is well," it was said, "to remark in how many different ways the first officials must have abused the authority pertaining to their offices:—the grand masters in taking under divers pretexts large gratuities for ordinary and extraordinary sales which they have made;

'"In making ordinary sales without letters patent;

'"In levying fees to which they had no right;

'"In making more extensive surveys than is borne out by the documents;

'"In giving away a considerable number of acres under pretext of their being waste places;

'"In taking firewood, either loose or in cartloads, much beyond what was assigned to them by law;

'"In causing firewood to be delivered at their houses;

'"In giving auction sales both ordinary and extraordinary to merchants with whom they had an understanding, and even to domestics;

'"In granting firewood and forest servitude without title, either for their personal profit or to gratify their friends;

'"In permitting the clearing of different lands, and the building of houses within the forest bounds, and even establishments in the heart and within the skirts of the forests, and sometimes making alienations, for entrance moneys, of land of considerable extent and well-wooded, under pretence of their being void and waste lands, from all of which they have derived great advantage to themselves. The officers of the different *maîtrises* have been guilty of the same abuses not only in the case of coppice woods, but even in permitting trees to be taken, and in themselves taking a great number, either for their houses and buildings or to dispose of them for money; and

'"In granting valuable trees to different persons to the prejudice of the sales.

'"The discharge of the reports of the forest watchman has also been a great abuse in different *maîtrises* or masterships, because that when a peasant has had a report made against him, he has been able to make up matters with the Forest Master, and the watchmen seeing the inutility of their report have themselves taken money to abstain from action, so that all the forests have been given up to pillage."

'These extracts are from *Lettres, instructions, et memoires de Colbert, publiés par Pierre Clement* (4 vols. folio), as are also others which follow.

'The corruption was so general that the instructions enjoined the Commissioners to be on their guard against *all* the officers with whom they had any business transaction. "From the time that the Commissioner arrives in the locality of the *maîtrise* of the forest which he seeks to reform, it is *necessary* that he take possession at once of the several offices, that he may acquire a thorough knowledge of all that has been done in the said *maîtrise;* and in order to effect this, if he cannot assure himself of the fidelity of the keeper of the records (*which will be difficult*), it may be well that he cause to be sealed up all the places in which there can be papers belonging to the officer, that an inventory may then be made of these: or to set a watch of such a kind that the keeper of the records cannot make away with any.

'"It is also necessary to observe in connection with the employment of a surveyor that he never employ one in the country or on a forest in which he has been accustomed to work. . . .

'"The Commissioner in going to reconnoitre the boundaries and to examine the land-marks should see that he be accompanied by the officers of the *maîtrise, against whom he must be carefully on his guard,* particularly on land ruined and in bad condition, it being impossible but that they have contributed to this."

'As for the attorneys, Colbert did not for a moment doubt but that they had neglected *what was their duty to exact,* the penalties imposed to prevent the continuation of depredations—"As the Commissioner," he writes, "will *doubtless* find out *an infinite number* of penalties which have not been paid, it is necessary he make choice of a good and honest man, who shall be commissioned by the king to receive these, and immediately to proceed against all those who have been condemned to pay them, that

thereby there may be established a fear of trespassing in the forests, which might ruin them."

'Under date of 28th January, 1664, a special ordinance was issued "for the reform of the woods and forests of Brittany." The preamble of this ordinance is of sufficient interest to justify citations at least in part. "Considering that the miserable condition in which all the woods and forests of the kingdom are to be found, leads to the conclusion that this is one of the great evils which the disorders of the bygone times have occasioned, and leads to the desire that the most prompt and efficacious remedies possible should be applied; . . and forasmuch as we have been advertised that one of the principal causes of the disorderly condition of our said woods and forests proceeds from the incapacity of some of the said officers of these, from malversations committed by them and by purchasers at sales, and by the holders of property situated alongside of the woods and forests, and by the practised impunity, We will that We be informed precisely by Our said Commissioners, or by those whom they may subdelegate to this effect, of the *peculations, exactions*, and *vexations* committed on our said woods and forests by the said officers and the said purchasers, and adjacent proper'y-holders."*

* To many it may seem that such a picture must have been drawn under the influence of a morbid state of mind, and a melancholic view of men and things. Without entering on an investigation of this, or attempting proof or disproof of its being the case, I may state in support of its verisimilitude that a similar state of things seemed to exist in Russia during my residence in that country from 1833 to 1840, and to have prevailed long. That a similar state of things existing in the management of the Crown Woods and Forests of Great Britain was brought to light by evidence collected by a Committee of the House of Commons in 1848 and 1849. And a somewhat similar state of things existing in the management of Crown Forests in the Colony of the Cape of Good Hope was reported by me in a Memoir On the Conservation and Extension of Forests as a means of counteracting the disastrous consequences following the destruction of bush and herbage by fire, appended to my Report as Colonial Botanist for 1863; in Memoirs on Forests and Forest Lands of Southern Africa, and on the Forest Economy of the Colony, abstracts of which were appended to my Report as Colonial Botanist for 1866—in evidence given by me before a Select Committee of the Legislative Council to consider the Colonial Botanist's Report, 14th August, 1865—and in evidence collected by a Commission. As regards South Africa, these allegations had reference mainly to reckless waste, but depredations which should not be tolerated were also reported.—J. C. B.

M. Joubain goes on to say, 'Colbert watched with great attention to see that the Decree of Council, the Instruction, and the Ordinance should not remain dead letters. He kept himself constantly well acquainted with the doings of the Commissioners, encouraging them in the discharge of their arduous duties, and watching over the execution of their decisions. On the 8th November 1662, he wrote to Chamillard, charged with the reformation of the forests of the Isle of France, and particularly with that of Compiègne:—"From the manner of procedure which you adopt you will have explicit and perfect knowledge of all that is going on in the forests embraced by your Commission; but, above all things, *execute justice, spare no one, fear nothing. . . . With regard to the grants of firewood with which the Grand Masters have gratified their friends*, not only do I consider that there is ground on which to order restitution, but even that you will find that those who have so freely disposed of the king's property have incurred guilt. *It is necessary to bring the greatest severity to bear upon those who have committed depredations in the forests*, and who have reduced them to the condition in which they are."

'On the 1st of June 1663, he sent word to M. de Mauroy, Commissioner for the Reformation of the Forests of Burgundy:—"Provided that the legal proceedings which you institute against the ecclesiastics who have damaged the timber forests without verified letters patent, be in proper form and due order, *do not*, if you please, *put yourself to the trouble of doing everything which may be done to screen them.*"

'From the *Histoire de Colbert*, by Pierrie Clement, we learn that by reason of facts established by a Commission of Forest Reformation, a sergeant of the forests of the Province of Alençon had been condemned to the galleys. "His punishment," wrote Colbert, "will assuredly serve as an example; and it will be well that you give, if you please, the necessary order for his being taken to La Toulon *with the first chain.*"

'Although the registers of the despatches of Colbert for the years 1663—1670 have, unfortunately, not been found, his incessant activity in endeavouring to put a stop to the destruction of the wooded domains of France, and to restore her forest wealth, may be considered sufficiently demonstrated by what has been advanced. His *Mémoire sur les Forets*, presented to the king in 1665, will supply, if need be, one more proof. This document, in which he establishes with regret that the forests of the kingdom had been sacrificed for a long time, and that they had never been treated so as to leave reserves and produce for future use, was, in some respects, the *avant-courier* of the celebrated ordinance of 1669.*

'The king himself, on his side, took the greatest interest in, and attached the greatest importance to, the re-establishment of a proper and intelligent administration of the forests. Of this we have unquestionable evidence in the memoirs and instructions drawn out by Pellisson, *from his notes and under his own eyes*, which he designed for the Dauphin, his grandson. Under date of 1662, we read in these, "I have applied myself also this year to a code of regulations for the forests of my kingdom, *in which the decrease was very great, and displeased me so much the more* that I had formed and entertained for a long time great designs for the navy. The war, and the schemes of partisans to make money, had produced an influx of officers *Des Eaux et Forets*, as of all other kinds. The wars, and the schemes themselves consumed or reduced their wages, of which they had only made a vain show in creating their officers. They avenged themselves and paid themselves, *and that with usury*, at the expense of the forests which had been entrusted to them. There were no kinds of artifices with which these officers were not familiar, *even to the burning by design of a portion of the standing trees*, that they might have

* There might be cited also his letter of 7th August 1666, to the poet La Fontaine, *Maître des Eaux et Forêts* à Château Thierry, preserved in *Œuvres de La Fontaine, édition Walckenaer.*

ground to take the remainder as burned by accident. I have only succeeded in the last year to prevent the evil augmenting by prohibiting that any sale should be made until I had ordered it otherwise. This year I have applied two prompt remedies: the one has reduced the officers to a small number, whose salaries can be paid without inconvenience, and upon whom it is easy to keep an eye; the other has instituted inquiry into past malversations, which may not only serve as a warning for the future, but which by the considerable restitutions which will be enforced will contribute in part to the reimbursement of the expense of the officers suppressed."

'As may have been anticipated, the Commissioners entrusted with the reformation did not fail to encounter great resistance on the part of all those foresters, merchants, and border proprietors, who had derived profit from the deplorable *régime* to which Louis XIV. and his ministers had determined to put an end. Thus in the administration of Alençon it was, according to a letter from Colbert to M. Flavier du Beulay, of 4th June 1666, cited by P. Clémont as necessary to break up "the monopolies of the officers, and the merchants" to give up for many years having any sales. But prompted, encouraged, and energetically sustained by the king and by Colbert, and armed with the most extensive powers, the Commissioners were able to show themselves equal to the accomplishment of the task which had been entrusted to them. They did not recoil before either toilsome hours of inspection, and long and troublesome researches, or before high influences and lively oppositions; they neither hesitated to prosecute great and small, nor to pronounce the most serious sentences.*

'The names of some of these good and eminent men, associated with one of the most useful works of the reign of Louis XIV., have come down to our day; thus have

* Even capital punishment, for the Master des Eaux et Forêts of Epernay was condemned to death.

those of de Chamillard, of Flavier du Beulay, of Hotenau, of de Fontenoy, of Colbert de Croissy, of Barentin, and of Lallemand de Lestrée. As for their works, the reports of some have in part or in whole been preserved, and better, perhaps, than even the document of which mention has been made. One of the reports permits us to form an exact idea of the condition of the forests, and of the criminal proceedings into which the officers allowed themselves to be drawn, and, in fact, of the part played by these reformers. That for which the forests of Poitou gave occasion is exceedingly interesting from different points of view, and it derives besides special importance from the circumstance that the *reformation* was begun by one of the brothers of the great minister, Charles Colbert de Croissy, who had been previously charged to present to the king a memoir on the general condition of the province; it was, moreover, a reformation completed by an important personage, "Charles-Honoré Barentin, Chevalier, Seigneur d'Hardivilliers, Maison-Celles, Les Belles-Ruries, Maderas, and Monnoye; Counsellor of the King in all his Councils; Ordinary Master of Requests of the Palace; President in the Grand Council," and the "Sieur Thoreau du Tillou, Councillor of the King in the Presidency of Poictiers," who gave to the one and the other of these Commissioners his co-operation as sub-delegate.

'Entrusted with a commission for the "*Reformation des Eaux et Forets*" of Poitou, by "Letters Patent of His Majesty, given at Vincennes, the 3d day of October 1663," Charles Colbert, on the 29th January 1665, enjoined in an ordinance "all proprietary lands, possessors and holders of lands, houses, and heritages situated within the Forest of Mouliers* within the boundaries and within half a league beyond the same, as also to all those who claim forest rights of great or small usage,—of felling trees, of fuel, of charcoal burning, of brick making, of lime burning, of other servitudes or other rights, whatever they may be, in the

* A forest which still exists under the same name, about 12 kilometres from Poitiers.

said forest, and in the environs of the same, to present their titles and authoritative documents establishing their rights." This ordinance, renewing a measure enjoined in a general way by a Decree of Council of the 15th October 1661, authorised, moreover, the *closing* of the forest,—that is to say, "prohibits the sending of any cattle to pasture, and the felling or removing of any wood," until a new Order.

'On the 12th May 1665, and following days, he made, preceded by the Sieur Thoreau, a "*visite externe*" of the forest, or, in other words, a reconnaissance of its boundaries. On the 28th August and following days of the same year, President Bavantin made in detail "*la visite interne.*" The surveyors were then appointed to make out a general plan, as well as to "measure and survey places in dispute," of which the Sieur François Garnier, "Painter in Ordinary to the King," was charged "to prepare in presence of the party the diagram and description."

'Finally, after a circumstantial inquest—after a thorough examination of the different questions raised on the 30th April 1667,—two decisions were delivered by M. Barentin, "guided in the successive steps by the Ordinance." The first related to the boundaries and the rights of usage. It ordained the restoration to the "body of the forest" of a great number of usurped forest lots, fraudulently sold or more rarely illegally let. The extent of these forest lots exceeded 1100 arpents, of which scarcely 25 arpents were only let. Damages and penalties were, moreover, adjudged against the holders of these lands, and also against private individuals who had constructed lime-kilns or brick-kilns near or within the forest, or who without legal right had taken wood from within its boundaries. The total amount of penalties which fell upon nearly *a hundred individuals* exceeded 12,000 livres. The Sieur de Bessay, Seigneur de Traversay, and De Cremault alone had to pay more than 4000 livres of penalties and damages.

'The number of parties holding rights of usage, *or who said that they held such*, was very considerable. The titles of

four only were recognised as valid; and one of these, the Sieur Chastaigner, Count de Saint-Georges, was condemned to make restitution of the produce of 53 arpents of coppice wood from 1635, which he had appropriated in excess of 101 arpents to which he had right. As for *thirty-four* others, "private parties or communities, of whatsoever quality or conditions they might be," the sentence "refused to them absolutely all rights of usage, and of everything of the kind, whatsoever it might be," they having "produced no titles authorising these."

'The second sentence pronounced in the matter of the Forest of Moulière had reference to frauds committed in the exploitation and the management of it. After the enumeration of the documents produced in the course of the examination, and a *résume* of the allegations made, both of the accused and of the witnesses—an enumeration and *résume* which fills more than a hundred pages in folio,—there are given details of the sentences; these varying, in different cases, fell on "Jean-Baptiste Jouslard, Sieur d'Airon, *ci-devant* Grand Master *des Eaux et Forets* of the Audit Department of Poictou; Charles de Lauzon, at present Grand Master; Isaye Chesneau, Lieutenant of the said Grand Master; Pierre Baron, *Procureur du Roi* in the same; Jean Estourneau, Comptroller; Jacques Vezein, Recorder; Jean Mettoys, Jacques Aymard, also Recorders; Olivier Demeocq, Sergeant Warder; François Gardemault, François Gervaise, Samuel Persevault, Charles Viault, Guards; Bonaventure Dreux, *Procureur du Roi*, in the Bureau of Finance at Poictiers; M. Artus Gouffier, Duke of Rouannais. Peer of France." Finally, nearly *two hundred* private persons, "contractors in the king's domains, or associates or officers of such merchants, salesmen, and inhabitants of hamlets or villages bordering on the royal domain," were then punished.

'If the abuses had been grave, and so much were they so that the forest was then entirely ruined—"for there did not remain any tree, excepting on the *triage*" given up to the Count de Saint-Georges,—the measures taken for their

repression were, to say the least, severe. The sentence required all the officers and officials of Moulière to demit their offices with little delay; it declared them "incapable of holding any office or discharging any function in the forests of His Majesty." One of them called Boisson, surnamed Labrosse, an official of a contractor, was "condemned to do penance in his shirt—head and feet bare,—a rope round his neck, followed by the public executioner, and holding in his hand a torch, two pounds in weight, before the gate and principal entry of the *Palais Royal* of the city of Poictiers, and to be banished for ever from the county of Poictou and Guyenne." Sales made from the year 1635 were declared null, and the total of the pecuniary penalties amounted to the enormous sum, especially for that period, of 275,000 livres, of which about 9000 had to be paid in the form of alms.

'The sentences against the forest officers and their subordinates were based on the ground that they had "presumptuously, fraudulently, and wickedly committed and permitted all the malversations and wastes which had occasioned the ruin of the forests of His Majesty;" and on the ground that they had "sold the wood of the king, and received the money, . . . erased, altered, and added to the minutes of sale, and with a bad intention left many blanks in the deeds and papers; . . . consumed the wood on their lime-kilns and brick-kilns within the heart of the forest; . . . illegally received taxes, fees, and firewood." The other persons condemned were treated as their accomplices in "the frauds and monopolies," or perpetrators of the misdemeanours, and of the robberies committed on the property of the king.

'The commissioner for the reformation of the forest, after having pronounced these sentences, completed his mission by the preparation of a report, now of no great interest, on the measures to be adopted to restore the forest woods of Moulière; and he caused to be printed (1667) a collection of these works, which was published at Poictiers by "John Fleurian, printer and bookseller in ordinary to the king

for the city and university." It is in folio; it is now *extremely rare;* and it bears the following title:—"La Reformation Generales des a Forêts et Bois de a Majesté de la Province de Pictou, par Messieurs Colbert et Barentien, Conseillérs du Roy en tous ses Conseils, Maistre des Requests ordinaires de son Hostel, Commissionaires départis, pour l'exécution de ses ordres dans la Généralité de Poictiers, et pour la dite Reformation;" and the motto, without being exempt from the magniloquence of style prevalent at the time, indicates rather happily the importance and the nature of the work. It is verse from Ezekiel: "*Scient omnia ligna regionis quia ego Dominus; Humiliavi lignum sublime; Exaltavi lignum humile; Siccavi liguum viride; Et frondere feci lignum aridum.*" '*

* "All the trees of the field shall know that I the Lord have brought down the high tree, have exalted the low tree, have dried up the green tree, and made the dry tree to flourish."—Ezek. xvii. 24.

CHAPTER III.

METHOD OF FOREST EXPLOITATION IN FRANCE FOLLOWED TILL THE MIDDLE OF THE SEVENTEENTH CENTURY, AND KNOWN AS "JARDINAGE" OR "FURETAGE."

THAT there was reckless waste of the woods and forests in France through mal-administration and malversation on the part of officials, in the middle of the seventeenth century, seems to be beyond question; but the system of exploitation also was wasteful, and to secure the conservation of the forests it was deemed necessary that there should be a change in this as well as in the staff of forest administrators and subordinate officials, and in the administration, or management, of everything pertaining to the forests.

It has been mentioned that the forests were exploited at that time, on a system of exploitation known as *Jardinage* or *Furetage*. The method of exploitation so designated is that which is generally followed in the management of woods in England, and of forests in our colonies,—felling a tree here and there, and leaving the others standing,—and is called in French Forest Economy *Jardinage*, or gardening, from its similarity to the procedure of a gardener gathering leeks, onions, turnips, carrots, cabbages, or cauliflowers,—taking one here and there, not at hap-hazard, but with some principle for his guidance—it may be to thin them—it may be to gather in the mature, and leave the others to grow; and called *Furetage*, or ferreting, from the similarity of the woodman's procedure in seeking out what trees to fell,—to what is called from the conduct of a ferret, ferretting out what is wanted when it does not at once appear.

The English forester, in going over the woods and woodlands, and forest-like clumps of trees placed under his charge, and selecting one and another to be felled, whether it be because it has begun to decay, or because it will supply wood which for some purpose or another he requires, or because the plot or belt requires thinning, and he desires that in the doing of this certain trees should be removed and others allowed to stand, follows this method of exploitation; and this method of procedure may appear to be a most natural one to follow; but it has been found to be, when followed long in the exploitation of forests, gradually but surely destructive of these.

In a volume on the Hydrology of South Africa,* [pp. 172–175], I have given details of what I witnessed there of such effects, not in one forest alone, but in many widely dispersed over the colony, supplying illustrations of the first, the second, and the final stage of the devastation thus occasioned. I have witnessed, and heard from others engaged in the work, of like results upon a far more extensive scale, in the apparently interminable forests of Northern Russia.

Like results are said to have been seen in Australia and New Zealand; and like results in France at the time now referred to were traced or attributed to the same or like procedure—methought I heard again just now the wail: *France perira faute de bois!*—and like destruction of woods has followed it over extensive regions in Central Europe.

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* *Hydrology of South Africa; or, details of the former Hydrographic condition of the Cape of Good Hope, and of causes of its present aridity, with suggestions of appropriate remedies for this aridity;* a work in which the desiccation of South Africa, from pre-Adamic times to the present day, is traced by indications supplied by geological formations, by the physical geography or general contour of the country, and by arborescent productions in the interior, with results confirmatory of the opinion that the appropriate remedies are irrigation, arboriculture, and an improved forest economy; or the erection of dams to prevent the escape of a portion of the rainfall to the sea,—the abandonment or restriction of the burning of the herbage and bush in connection with pastoral and agricultural operations,—the conservation and extension of existing forests,—and the adoption of measures similar to the *reboisement* and *gazonnement* carried out in France, with a view to prevent the formation of torrents and the destruction of property occasioned by them. London: C. Kegan Paul & Co. 1875.

By the reckless destruction of forests, by what I may call Primitive Jardinage, forests of vast extent have disappeared, and others in several of our colonies are disappearing, to the detriment of the interests of all concerned, even of those who are hoping to enrich themselves by the operation—an operation similar, in some respects, to that of the boy in the fable who thought to get rich at once by killing the goose which laid the golden eggs.

It has been alleged and maintained, that by a natural process, unprotected land sooner or later becomes covered with arborescent vegetation,—that thus must it have been in all lands and in all times,—and that most of the lands now covered with herbage and grass must have been at one time covered with woods—a wilderness, and not a desert. The allegation is not made without foundation—it may in its absolute form of expression be a great exaggeration of the truth, but history warrants the conclusion that a great part of Europe now naked and bare was once covered with forests.

The existing forests of Germany, the Thuringerwald in Gotha, the Schwartzwald or Black Forest in Baden, the Oderswald in Hesse, the Spêssart, between Aschaffenburg and Wurtzburg, and the forests in the Austrian Alps, are all of them only fragmentary remains of the great Hircynian forest, which originally covered the greater part of Continental Europe, and was extensively diffused over the districts now known as Germany, Poland, Hungary, &c. In Cæsar's time it extended from the borders of Alsatia and Switzerland to Transylvania, and was computed to be sixty days' journey long and nine broad. In England memorials of forests are found in names of villages and districts near which no forest now exists, and in traditions of forests preserved in story and in song. Once a land like that now covered with what are called the vast and interminable forests of America, Europe is now a land of cities and of fields, and a similar change is taking place in several of our colonies and dependencies. The forests, like the black man, and like the wild beasts of the field,

are disappearing before the face of the white man. To many the whole of these changes seem unaccountable; but there they are; it is the fact which is here brought under attention, and viewed in the light of the destruction of forests going on in our own day.

It may be, and probably it is the case, that the white man is only acting as did the black man before him, and as his own fathers did in bygone times in the land whence he has emigrated, cutting down such trees as served his purpose, as they cut down trees which served their purpose. But either from the operations of the white man being more extensive than were those of the men by whom he was preceded as occupants of the land, or from the circumstances of his operations being carried on in our own day, so that we see the work done, and the effects which follow, without any such foreshortening as prevents this being done in the consideration of the past, or, it may be from a combination of both of these facts, the work of destruction is seen now to go on with effects which dispose us to cry: Hold! Woodman, spare that tree! and to urge upon all our Colonial Governments to stay the work of destruction till it can be shown to what the present system of forest management must lead, and how, by a more excellent way, there may be obtained from their forests a sustained production combined with a natural reproduction and improvement of these, so that without present loss they may be handed down to coming generations undiminished, and enhanced in value if not in extent.

Detailed information in regard to this system of exploitation and its former application to the management of forests in France, is supplied by the works of Baudredarf and subsequent writers; and in regard to the effects of it on forests in which it is, from necessity, or a supposed necessity, still practised, M.M. Lorentz and Parade, fathers of the School of Forestry in Nancy, wrote years ago:

'Towards the middle of the seventeenth century, if not before, it was found necessary to adopt legislative measures

to protect, by prudent foresight, the interests of the future while supplying the requirements of the present; and in 1544, 1576, and 1579 there were issued ordinances designed to regulate the felling of timber, and determining the duration of lengthened periods during which no fellings should take place in portions of the forests which had been cleared of trees deemed fit to be felled, that time might be afforded for the reproduction of forest by a new growth of trees; by the ordinance of 1669 the general practise of it in France was terminated, and now it is only tolerated in circumstances in which the application of the more advanced forest economy of the present day would be productive of more evil than good, as would often be the case on mountain crests, &c., where the woods afford shelter and protection, which once destroyed it would be difficult to restore, and impracticable to restore till after a time, during which damage, perhaps irreparable damage, would be done.'

CHAPTER IV.

METHOD OF FOREST EXPLOITATION IN FRANCE, ENJOINED IN THE MIDDLE OF THE SEVENTEENTH CENTURY, AND KNOWN AS "LA METHODE À TIRE ET AIRE."

In view of the devastation of forests which had taken place by the middle of the seventeenth century, it was felt that, to avert the devastation of the forests of France, and evils which might follow in the train of such a catastrophe, not only must the staff of administrators and officials be altered, but the method of exploitation must be changed.

From what has been stated in regard to the management of forests in the *maîtrise*, or mastership of Chinon, [ante p. 17] it appears that there—and if there, probably elsewhere—the forest, the area of which was 3400 arpents, or acres, had been partitioned into 34 lots, to each of which in succession ordinary fellings should be confined, and that at that time it was a practice, in felling the trees on a lot, to leave some standing to bear seed, by the dispersion of which the wood might be replenished.

In the passage which has just been cited, we find that explicit directions on this point were embodied in the Forest Ordinances of 1544, 1576, and 1579.

The remedy for existing evils, and a preventative measure adopted against greater evils following these, was simply an improvement of this method of exploitation, and the extension of the improved practice to all forests.

There may appear to us to be nothing very remarkable in such a measure; but thus has it been with discoveries and devices innumerable, and the schoolboy who has not long laid aside the garb of childhood may be heard to say

in regard to some most remarkable discovery or device of of the day when it is explained to him: Anybody might have known that! Oft-times are we reminded of the story of Columbus and the egg. He was told by a flippant boaster that any one might have discovered America. The successful voyager, it is said, called for an egg, and asked the disparager of his prescience and perseverance if he could make it stand on end. He tried, but without success; when Columbus, taking it in hand, chipped the end by a slight blow with it on the table, and on this it stood erect,—"Oh! I could have done it so." "Yes;" was the reply, "and you could also have discovered the New World after I had shown you the way!" And so may it be with the exploitation of forests according to *La methode à tire et aire*, that now introduced.

Though many now-a-days may see nothing wonderful in such a device, two hundred years ago it was hailed throughout a great extent of Europe as the very means to be employed in conjunction with a reformed administration to secure the reproduction of felled woods, and withal a sustained production of firewood and of timber. And this expectation appears to have been expressed in the designation given to this improved method of exploitation.

I understand the last term in this designation given to it to be an old corrupt form of the verb *avoir*, to have; and I regard the designation as one resembling our colloquial phrase: Cut, and come again! but as going beyond this, and as equivalent to saying, Pull away, and yet possess! This is how to do it, *La Methode à tire et aire*—to pull up and use, and yet possess your forest as valuable and productive as ever!

The device was at once adopted with great expectations in Germany, where also they were beginning to suffer from the devastation of their forests. But there a briefer cycle of exploitation was adopted than that proposed in France.

From an historical notice of forest management, by M. Parade, prefixed to M. Nanquette's *Cours d'Amenagement*

des Forets inseigné a l'Ecole Impériale Forestiere, it is stated that the *revolutions*, or cycles of restoration adopted under the new system in Germany were short: they were from 14 to 20 years for coppice woods; they did not exceed 80 years for timber forests; and forest ordinances issued in Prussia by Frederick the Great, in 1740–1786, prohibited any *revolution* or cycle in pine forests to exceed 70 years. In France, at that time, the period of revolution adopted in the management of timber forests was from 120 to 180 years, and in some cases it was longer. It is difficult to account for the much shorter period adopted in Germany, says M. Parade, on other ground than that there was in Germany a superabundance of trees of great dimensions, and a small demand for these, which might have the effect of leading people to give their attention chiefly to the production of wood for fuel and other domestic uses—wood of easy transport, for which there was a ready sale.

The system thus introduced into Germany was prosecuted with vigour, and for some fifty years with satisfaction, successive improvements being from time to time introduced. But from 1760 to 1780, evils inherent in the system of *exploitations à tire et aire* began to manifest themselves on all hands. Towards the end of the reign of Frederick the Great there was issued an ordinance relative to the management of forests, in which it was enjoined that the fellings in the different sections, instead of being carried out completely, or *a blanc etoc*, should be confined to thinnings or *nettoiemens*, having for their object the removal at most of *bad* wood and of *matured* wood, or trees upwards of 70 or 80 years of age. And this has been considered an indication, that it began to be perceived that the artifical restoration of forests which had been rendered necessary by the felling of the coniferous forests, was difficult to effect when it had to be done over ground of great extent, and in circumstances little favourable to success.

Corresponding complaints on other points were made

of the effects of this system of exploitation on beech timber forests, the restoration of which was not secured either by a new growth of seedlings, or by new shoots from the stumps left in the ground.

And, finally, a grievance felt especially in the lesser states in which the forest products constituted a great part of the public revenue, began to call for a remedy. This was the great and grievous inequalities which were found to occur in the annual products obtained in carrying out the system continuously and continually. There was no unwillingness to retain and continue the orderly regular exploitation of the forest—of the importance of this there was no question ; but it was felt to be absolutely necessary that this should be so arranged as to secure the most nearly perfect natural restoration of the forests possible, and to furnish to the proprietors year by year products pretty equal in quantity or in value. And this was not done by the system which had been so admired when first adopted. The system might admit of modification, but the system pure and simple had proved a failure.

The forests of Europe had previously been extensively subjected to Jardinage, and these forests, says M. Parade, in the Historical Notices already referred to—and of a portion of which several of these statements may be considered a free translation—presented standing crops of most unequal denseness ; and standing crops without a well-marked gradation of age, to which the system could not be applied strictly without giving rise to many incoveniencies, the most serious of which were these : (1) a great inequality in the product of successive fellings on succeeding years on succeeding sites, sites following side by side ; (2) considerable loss of increase proceeding not only from great differences in the soil, and in the denseness of the patches felled in successive years ; but also, and that more especially, from the circumstance that some portions were necessarily cut down while the trees were too young ; while in other portions many trees, and even entire plots, were

left to decay before they came within the sweep of the regular series of fellings.

These inconveniencies do not appear to have commanded much attention in France; but they did in Germany, and this led to modifications so great and so important that the method of exploitation now generally followed in France, and elsewhere on the Continent of Europe, can no longer be considered what is understood to be the system of *exploitation à tire et aire*. This has not lapsed, but it is merged in that which secures in combination sustained production, natural reproduction, and progressive amelioration of the forests, evolved or developed from the superceded method of exploitation.

CHAPTER V.

METHOD OF FOREST EXPLOITATION NOW FOLLOWED IN FRANCE, AND KNOWN AS "LA METHODE DES COMPARTIMENTS."

THE method of exploitation enjoined in France under the designation *La Methode à tire et aire*, and the reform of abuses in the forest service instituted along with it there, commended themselves to many who were, from various considerations, seeking to arrest the destruction of forests on the Continent of Europe. But a hundred years sufficed to show that this method of exploitation as it was then practised was not the *Ne plus ultra* of forest management; and a hundred and fifty years sufficed to produce a fresh evolution or new development of it, known in France as *La Methode des Compartiments*. Details of this come not under discussion here: it pertains to the *nineteenth* century, not to the *seventeenth*, and it was devised in Saxony, not in France. But both as a perfecting of the French device, and as a development of this which is now becoming universally adopted, it demands some notice.

In order to secure the full benefit of the device it was found to be necessary to divide the wood or forest, not into *equal*, but into *equivalent* portions—subdivisions, not of equal area, but of equivalent produce. Of the method of *exploitation à tire et aire*, the following may be taken as supplying a rough and rude illustration, in its application to a coppice wood and a timber forest. If the coppice be one, which may profitably be cut down every twenty years, by dividing it into twenty equal or equivalent portions, and cutting one, but only one, of these each year, there

may be obtained a constant supply of wood, the division cut in the first year being ready again for the axe in the twenty-first year of the operation, and again in the forty-first year, while the other divisions follow in their order. If the timber forest be one in which the trees may profitably be felled after a growth of a hundred and twenty years, by the forest being divided into a hundred and twenty equal or equivalent portions, and these be treated, as has been stated in regard to coppice woods, corresponding results would be obtained.

Advantages likely to follow such a method of managing forests suggest themselves at once, and as described it seems to be one which must be of easy application anywhere. But the practical forester who has given attention to my statement may have remarked that I have used the expression *equal or equivalent* portions. Good will result from the adoption of divisions into equal portions, much good, but with a large admixture of evil. Equal portions are not necessarily equivalent portions, and such is the variation in the productiveness of different portions of a forest, from variations in soil, in exposure, and in adaptation to the growth of the kind of tree which happens to be upon it, that it is very improbable that many portions equal in extent will be equal in productiveness, if any at all happen to be so; and therefore the division of a forest into equal portions will not yield advantages equal to what would be obtained by the division of the forest into what I have called equivalent portions.

With the attempt to do this commences the difficulties of the undertaking. Equivalent partitions cannot be obtained by divisions founded on equality of superficial areas, neither can they be obtained by divisions founded on the number of trees growing in each, or even on the cubic contents of these. The soil, the exposure, the kind of tree growing in different localities, the adaptation of the soil, and of the exposure, to the growth of the kind of tree, or of trees, growing in each, the age or ages of

these trees, the rate of their annual increase at different ages, the age or ages at which they respectively attain their maximum of growth, and at which they attain their maximum of value—these, and twenty other points, must be determined to furnish the data necessary to determine equivalent partitions; and such partitions are necessary in order to ensure the full benefits of this method of forest management being secured.

If by a tentative process, based on superficial extent, as it necessarily must be, modified in accordance with the number of trees, and with the cubic contents of these, it be sought to arrive at a division of a forest into equivalent partitions, it will be found that constant modifications of the division first made are seen to be necessary. And the substitution of *equivalent* for *equal* partitions led to other devices to secure what was wanted,—equal annual, decennial, centennial, or other periodical supplies of products. To secure this, successive thinnings of different portions were made to contribute to the supply along with what was obtained by definitive fellings; and while in one division of the cycle this might be secured by the produce of the first thinning of the partition A, and the produce of a second thinning of partition F, and the definitive felling of partition W; in another it might be obtained by the definitive felling of F, and a second thinning of A, and the first felling or thinning of a secondary crop growing on partition N; and like equivalent supplies might have been in intervening periods, and afterwards in succeeding ones, obtained by other combinations.

The combinations which occur in practice are numerous, to the tyro they might seem complicated, and a fuller statement in regard to them confusing. All that is contemplated here is to show wherein *La Methode des Compartiments* differs from *La Methode à tire et aire*, and to show that that may be considered a development of this, with the history of which we are at present occupied.

PART II.

THE FOREST ORDINANCE OF 1669.

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CHAPTER I.

No measure connected with the treatment of forests has yet excited so widespread and prolonged beneficial influence as what has what has long been called—not in France alone, but in other lands in which occasion has presented itself for making mention of it—The Famous Forest Ordinance of 1669, whereby it was sought to rectify the malpractices previously prevalent in the forest management of France.

It should not be reckoned disparagement to say of it that it was more perfect in appearance than in reality—on paper than in the field— in the spring-tide of its youth than a century later; and that the system of exploitation it enjoined may be said to have now become antiquated, and been superseded by the more excellent way which has been more widely and more extensively adopted, and gives better promise of permanence and of good, though it is still only in the dew of its youth.

The so-called Famous Forest Ordinance of 1669 enjoined exploitation, according to *La Method à tire et aire*, in all state forests, and, I may add, everywhere in France, in the management of forests in regard to which the Government had an unquestionable right to prescribe, such as those held by ecclesiastics in virtue of their office; by civil corporations or communities, the members of which die,

but the constituted body survives continuously; and by individuals on entailed trust.

But the claims of the Government, as representative of the State, went further than this; and within certain limits they considered they had a right to prescribe in regard to the exploitation of forests held in possession by private persons. In reference to this, I may mention that according to a principle accepted generally by students of Forest Science—if not first propounded by them—forests are national property; and this principle is recognised in the legislation of not a few of the nations of Europe.

By the tenet that the woods and forests of a country, not the State forests alone, but all, are national property, it is not understood that the population of a country have one and all of them a right to go into the woods and forests everywhere and cut or fell as it may please them; but that these forests, public and private alike, are the property of the nation in its entirety: not of the individuals composing the nation at any one period, nor of these conjointly; but of the nation irrespective of time,—of the people constituting the nation in times past, in the passing present, and in the times coming—property of which each successive generation has a right to the usufruct alone; and which it is bound in justice to leave to the succeeding generation in as good condition as it was found, or with an equivalent in national property or national advantage, for any diminution or deterioration which has been occasioned in it. And what thus affects the nation as a whole, or the generation enjoying the usufruct, affects thus and thus only, the individuals of whom it is composed.

It may at first sight seem an extravagant tenet this; but it is only an amplification of the principle involved in the statement made in regard to the forests of France at the earlier period of its national history, that forests were regarded not as *communal*, but as *common* property; and the principle is one recognised and acted on in our British legislation.

We are familiar with the fact of private property being taken without hesitation when required for public use, compensation, such as may be deemed adequate by the government as representing the nation, being given, which compensation may possibly be far from satisfying the proprietor for his loss. Again, entails can be broken by legislation when the interests of the nation seem to the legislature to require that this should be done. And our legacy duties seem to speak the whole property left by an individual unused by him being no longer his when he is dead, but property of the nation of which he only had the usufruct during life, and which the nation, in the exercise of its right, will transfer to such persons as he may desire to have it, if he leave an expression of his will in the matter in such form as the nation, through its representative the government, may have prescribed; but even this is subjected to a specified deduction, varying with circumstances, such as the relation in which the legatees stood to the departed, the whole being indicative of the claim of the nation to the whole if they had chosen to enforce their claim. And all such legislation as this is only a carrying out of the general principle involved in the aphorism of the Apostle, "We brought nothing into this world, and it is certain we can carry nothing out;" and in a still more ancient saying, "Naked came I out of my mother's womb, and naked shall I return thither: the Lord gave, and the Lord has taken away;" a principle again recognised in the trumpet-note, "The earth is the Lord's, and the fulness thereof!"

It is in view of the importance of the native-grown firewood and timber, in some countries, to the existence and welfare of the inhabitants of them, and of the effects of woods and forests in warding off calamities to which they are exposed, that it has been deemed expedient to recognise in legislating in regard to them the principle in question. In Britain a holder of property may be interdicted from so disposing of it as to injure the property of another. And it having been ascertained that the destruc-

tion of a forest on the brow or summit of a mountain range, which has acted as a wind-break, would be injurious to the cultivation of lands on the plain undertaken under that shelter; that the destruction of a forest growing on a mountain-side may lead to the formation of destructive torrents; that on other mountains the continued existence of woods is requisite to give security against avalanches or landslips; this has led to legislative enactments to prevent the destruction of such forests, and such legislation has also been justified on the principle in question.

The Ordinance, however, it should be remarked, interfered less with the mode of exploitation, than with the administration, of forests not belonging in one way or another to the sovereign; it claimed, and it enforced its claim, to a right to interfere and to legislate in matters pertaining to depredations, malversations, and abuses by foresters of whatever degree. It interfered but little; but it asserted the right to interfere, and this once admitted, it was a mere question of expedience to what extent interference should be carried. And in its injunctions relative to the administration of forests, more especially of State forests, the Ordinance has told upon the forest legislation of other lands not less manifestly than it has by its regulations in regard to exploitation.

With the teaching received through Darwin's studies of evolution and developement, it may be shown that the forest legislation of the present day is an evolution, developement, or special application of principles embodied in this ordinance. And as the nautical terms in some modern languages are substantially those of Britain, and these again those of Scandinavian Vikings, supplying indications of their origin, and of their channel of transmission, so have not a few of the technical terms employed in France at the time this ordinance was promulgated, been reproduced in, it may be, a modified form, in another language, indicating their origin or channel of transmission, and in some cases indicating both.

The Ordinance of 1669 was neither the first nor the last Forest Ordinance issued in France. Certainly not the first: it was preceded by many.

The first Ordinance in regard to forests appeared in the reign of Louis VI. in 1215;
The second under Philippe II. in 1219;
The third under Louis VIII. in 1222;
The fourth under Philippes le Hardi in 1280;
The fifth under Phillipes le Vel in 1291;
The sixth under Louis X. in 1316;
The seventh under Philippes le Long in 1318;
The eighth under Phillipes des Valors in 1346;
The ninth under Jean le Bon in 1355;
The tenth under Charles V. in 1376;
The eleventh under Charles VIII. in 1485;
The twelfth under François I. in 1515;
The thirteenth under Henri II. in 1547;
The fourteenth under François II. in 1558;
The fifteenth under Charles IX. in 1560;
The sixteenth under Henri III. in 1575;
The seventeenth under Henri IV. in 1597;
The eighteenth under Louis XIII. in 1611;
This, the nineteenth, the Celebrated Ordinance of 1669, was prepared by Colbert in the reign of Louis XIV. But neither was it the last. It was followed by several in succeeding times, many of which were not unimportant, either in the injunctions given or in the results which followed the promulgation of them; but further specification of these is not necessary either to the understanding or to the due appreciation of this which is the one with which we have at present to do.

Besides the Ordinances which have been enumerated, there were issued edicts, declarations, and regulations, founded on these, and enforcing them in the administration and management of the forests, and supplementing them. The ordinances bear that they relate to *Le fait*, or the matter, *des Eaux et Forêts*, and in many of the older forest

laws we find the three terms, *Eaux, Bois, et Forêts*, used as if they constituted but one word—a word used commonly to designate in general the then existing jurisdiction in regard to all relating to fishing and to the chase, much as in English legislation the so-called Forest Law is almost equivalent to what are now known as the game laws of the country.

It may facilitate the intelligent perusal of some of the injunctions of the Ordinance in question if I explain the use or application made of a few of the technical terms employed in reference to judicatories, officials, and usages.

There were existent at that time three different judicatories having jurisdiction in matters pertaining to the waters, woods, and forests,—the *Gruries*, the *Maîtrises*, and *Tables de Marbre*, or other tribunals representing these latter; and there were also what were called *Capetaineries des Chases*. The *Gruries Royaux*, or Royal Gruries, were inferior judicatories, established to watch over the conservation of forests at a distance from the seats of the second class of courts, and to take cognisance in the first instance of lesser offences which might be committed in these.

Besides the *Gruries Royaux*, or King's Gruries, there were *Gruries des Seigneurs*, or Gruries appointed by nobles.

The *Gruries des Seigneurs* were established by edict of March 1707, in each of the *Jurisdictions des Seigneurs Ecclestiastiques et Laïcs* of the kingdom, with powers similar to those of the *Gruries Royaux des Eaux et Forets du Roi*, to take cognisance, in the first instance, exclusively of officers of the *Maîtrises* and of those of the *Tables de Marbre*, and other judges, both royal and seigneurial, of all matters relating to waters and forests, usages, offences, abuses, wastes, and malversations; of all disputes in regard to fishing, or in the chase; and of all that relates to marshes, pasturages, common lands, water leadings, mills, thefts of fish and of wood, and quarrels, excesses, and murders, arising out of these things.

The *Maitrises particulieres des Eaux et Forets*, or Courts of the *Maitrise* or forest territory placed under the administration of a *Maitre particulier*, Special Master, to which designation corresponds the designation, *Forst-Meister* or Forest-Master, and the designations derived therefrom in use in many countries—were judicatories established near the principal royal forests, to watch over their conservation, and to adjudicate specially, in the first instance, on the petition of the *Procureur du Roi*, on all matters, civil as well criminal, relating to the Waters and Forests, and also on appeals from sentences passed by the Royal Gruries, &c.

The *Tables de Marbre*, and the tribunals representing them, were judicatories having power to decide appeals from sentences passed by the *Maitrises* and by *Gruries des Seigneurs*, with power to take cognisance in the first instance of all suits and disputes in regard to the proprietorships of waters and forests, islands and rivers, belonging to the royal domain, and others in which the sovereign has an interest.

The *Tables de Marbre*, or Courts of the Marble Table, were judicial courts established near the Courts of Parliament at Paris, Rouen, Toulouse, Dijou, Bretagne, Metz, and in other towns of the kingdom. They were abolished in February 1704 by Royal edict, and *Chambres Souveraines* established in their stead. But they were re-establised as Courts of Appeal in May of the same year.

By edict of March 1558 they were made Courts of *Dernier Ressort*, and by this ordinance they were empowered to judge in all civil and criminal cases relating to the property of the *Eaux et Forets* by whatever tenure held, but this subject to appeal to Parliament. They were continued as Courts of Appeal by parties from the inferior forest courts, under certain restrictions. And appeals from them by Grand-Masters, Forest-Masters, and other officials of the Forest service were direct to Parliament. The principal charges of which these courts had to dispose appear to have been such as were classified under one or other of these heads—*abus*, *delit*, and *malversation*.

The term *Abus*, in its general acceptation, is in French law applied to anything done contrary to law and usage. In forest law it appears to be applied to any wrong-doing in the discharge of official functions—these being regarded as an abuse of the confidence placed in the officers by their sovereign.

Delit is applied generally to contraversions of orders and regulations, suggestive of what may be called a misdemeanour. Many misdeeds in woods and forests may be so described. But while the term is so used as to cover these, the most frequent application of it seems to be what almost makes it equivalent to the English term *depredation;* and the phrase *Bois de delit*, is applied generally to wood which has been felled in contravention of the ordinance; and more particularly to wood stolen from Crown forests. *Malversation* included all kinds of fraud not included under one or other of the designations thus explained.

Many offences were punished by fine. In some cases the amount of fine was specified; in others it was left to the discretion of the court. In these it was designated *amende arbitraire*, by which I understand, not a mere nominal fine, but, one proportionate to the offence, however heinous.

Culprits guilty of depredations, and other like misdemeanours, were punishable by fine and restitution, the latter penalty being a pecuniary payment, never less in amount than the fine imposed. In these cases the fine went to the king, the restitution to the possessor of the forest—be he the king or another—as compensation for loss and damage sustained. And restitutions adjudged to communities were required to be spent exclusively and entirely in public works in the forest or elsewhere.

The principal officials were *Grand-Maitres des Eaux et Forets*, who were superior and qualified officers, appointed to watch over the execution of the ordinance, and the conduct of the officers of the *Maitrises*, and of others who

had access to the Royal forests; Forest-Masters, or *Maitres Particuliers*, who had corresponding functions under the Grand-Masters, and in a more restricted sphere; and Lieutenants who stood in a relation to the Forest-Masters corresponding somewhat to that in which the Forest Master stood to the Grand-Master.

The designation has been dropt in France, though its equivalent has been retained in other countries. And the change of designation might be considered indication of a change in function; but we have to do with it here only as it was used at the time in question.

Of subordinate officers, the most important were: the *Procureur du Roi*, the *Greffier*, the *Garde-Marteau*, and the *Sergen du Garde*. The duties of all of these are detailed in the ordinance; and therefore nothing more need be stated here than that the designation *Procureur du Roi* is given to the king's attorney in the courts in which he appeared in prosecution of offenders; the *Greffier* had charge of all documents pertaining to the administration of the *Maitrise* to which he was attached, his duties resembled somewhat those of a Recorder of Court, but in some of their details they resembled more those of a Registrar. A stamping hammer was employed in marking trees which define boundaries in the forest, and others which like them were to be reserved in fellings. If this hammer were used surreptitiously to mark other trees instead of these, serious consequences might ensue; it was therefore entrusted to the charge of a special officer, in reference to which his designation was *Garde-Marteau*; and the conditions under which it was to be produced and used are specified in the ordinance; the *Sergen du Garde*, as his designation implies, was a subordinate but important responsible officer of the forest police. There were *Capitaineries des Chassées* in great numbers, which had been established by kings and by seigneurs, but all, with specified exceptions, were suppressed by this Ordinance of 1669, and the number of them was still further reduced by *Declaration* of 27th July 1701.

The functions of the *Capitaines de Chasses* related to the chase, as the title indicates, and only indirectly, if at all, to the maintenance of the forests or the prosecution of what are understood by foresters as forest offences and contravention of forest laws.

And there were officers specially entrusted with like duties in connection with the waters and fisheries connected with the forest service.

One of the works of officials frequently spoken of is *Reformations.* Two distinct things are spoken of under the phrase *Reformations des Forets,* the idea conveyed varying with the object to be accomplished: the one is the reparation of damages occasioned by the abuses and malversations of officers, merchants, dwellers on the precincts of forests, and usagers; the second is the re-establishment of the order necessary for the conservation of the forest; and the first embraced enquiry after the delinquents, as well as forest operations to counteract the mischief done.

Reference is made in the ordinance to woods held in *Grurie, Grairie, Tiers et Danger.* The first were those in which the woods and land belonged to individuals, but the jurisdiction pertained to the king, and with it all profit which might thence accrue, the right of fishing, woods of the chase, and *glandee* or mast, including all the fruits of the forest which are fit for the feeding of swine — all of these excepting that in some case, the right of fishing and that of *glandee* may by legal deed have been otherwise disposed of. *Grairie* and *Segrarie* are terms synonymous with *grurie,* as already explained.

Tiers et danger was a technical term applied to the right of taking from the wood to which it was subject the third and the tenth of what was sold, and this might be taken either in money or in kind at the option of the lord superior holding the right.

These various rights have excited some curiosity in

regard to their origin. On this subject, in an old work entitled *Traité de la Souveraineté*, by Bret, it is stated, lib. iii., c. 5:—

'Many have laboured to find the origin of so burdensome a servitude on the goods of another; as for me, I have always considered that these rights have been introduced upon what was anciently the case: when kings had sole and exclusive rights to have timber forests, and nobody could let such grow without their permission, as we learn from the fourth *liv. leg. franc.*, cap. 19, entituled *De Forestibus institutis noviter*, which is in these terms: '*Ut quicunque illas habet dimittat, nisi judicio veraci ostendere possit quòd per jussionem sur permissionem Dominî Caroli genitoris nostri eas instituisset.*' Which thing is repeated in the chapter *De Forestibus Dominicis*, in the same book, where it is said, '*de forestibus nostris, ut ubicumque fuerint diligentissimè inquirant quomodo salve sint et defenso, et ut comitibus denuncierut ne ullam Forestam noviter institutant, et ubi noviter institutus sine nostra jussione invenerint dimittere praecipiant.*' From this it is to be presumed that when the kings gave permission to any one to rear a timber forest and to keep such, which was a Royal privilege, it was under burden that they should have the jurisdiction of the same, the profits which might be made by the sale, and some portion of the fellings, as a third in some cases, and more or less in others.

'The Charter of Louis Hutin for Normandy calls these rights the *tiers et danger; tiers*, because the king takes the third part of the price obtained by sale, as of 30 liv. 10s.; and *le danger*, which is the tenth part of the whole; and what supports my conjecture is that these rights are levied only on ancient forests, the origin of which is unknown, and not on those which have been reared in later times. Since that our kings have given a general permission to all their subjects to have forests and woods of timber trees, they have contented themselves with retaining the rights of *grurie* on the ancient forests, of which the origin is unknown, and not on those which have been erected

latterly; and I may say that as these burdens seem to mark the ancient authority of our kings, they should not be lightly allowed to be so easily alienated as was the case some years ago.'

Besides such woods, frequent mention is made of woods held by the king by *appanage*, by *engagement*, by *usufruct*, by *concession*, and by *indivis*.

The last mentioned are woods held in conjoint tenure by the king and others, the tenure relating to them in their entirety, so that they could not at the option of either party be divided and shared by them in the ratio of their respective interests in them.

Woods held in appanage are lands set apart for the maintenance of a prince, and appear to have been included in woods held under the title *Douaire*.

Woods held under title of *Engagements* and *Usufruct*, as also lands held under title of *Douaire* and *Concession*, are woods belonging to the Royal domain, but in possession of private persons, to whom the king has assigned the enjoyment of them, on condition that they shall be restored failing male issue of the holder of the appanage; or on termination of the period for which the concession has been made; or on the death of the person holding the usufruct; or on the completion of the felling and clearing away of the wood, in accordance with the terms of purchase.

Reference is also frequently made to *Usagers*. He who had the usufruct of a forest may be likened to one who holds an estate by entail, the usager had only some limited right in it secured by immemorial usage, and this may like the entire usufruct be, either in regard to state forests or the forests of private persons, as the case may be. The usages generally take one or other of two forms, and may be in some cases claimed in both forms, one relates to the depasturing of cattle, the other to the taking of wood for prescribed purposes. The claim is based on use and wont from times beyond the memory of man, or otherwise established.

I have found much that is interesting in details of the rights of usage in regard to pasturage prevailing formerly in different parts of France. The general rights are defined in the ordinance.

The rights of usage in regard to wood was generally the right to gather firewood in the forests; but there were rights of usage much more comprehensive than this.

The number of usagers in France was at one time very great; but much has been done to reduce and restrict them, so as to keep their legal claims within what the forests can meet without suffering devastation.

Important restrictions were imposed on dwellers in the vicinity of forests. They were prohibited from settling within the precincts or on the borders of the forest; all huts or other erections made by vagrants within a half league of a crown forest were destroyed, and the people were prohibited from rebuilding them within two leagues of the forest under pain of exemplary punishment. No chateaux, farm steadings, or houses could be built within half a league of a crown forest under pain of arbitrary fine, and confiscation of the buildings. Certain trades were prohibited within half a league of such forests. No one could plant a wood within 100 perches of a crown forest; nor could any one living within the borders of the forest engage in the wood trade. No timber could be used as firewood; nor could they make use of wood felled or cut in making boundary trenches. All dwellers within two leagues of a forest were responsible at civil law for the doings of their waggoners, herds, and domestic servants, and they were liable for all misdeeds of their tenants. Proprietors of estates and woods adjacent to crown forests were bound to separate them from these by ditches four feet wide and four feet deep. They were bound to declare to the registrar of the *Maitrise* what they designed each year to fell, and they were forbidden to give wood to their workmen in payment of wages.

The following is a translation of the Ordinance:—

'ORDINANCE OF LOUIS XIV., KING OF FRANCE AND NAVARRE, RELATIVE TO WATERS AND FORESTS. GIVEN AT SAINT GERMAIN EN LEYE, IN THE MONTH OF AUGUST 1669.

'Louis, by the Grace of God, King of France and of Navarre: To all in the present and the future, Greeting. Although the disorder which had slipt into the *Eaux et Forets* of our kingdom had become so universal and so rooted that the remedy of it appeared to be almost impossible; nevertheless, Heaven has so favoured the application of eight years which we have given to the re-establishment of this noble and valuable portion of our domain, that we see it to-day in a more flourishing condition than ever before, and producing to the public all the benefits which could have been expected from it, be it in the conveniences of private life; be it for supplying the requirements of war; or be it, in fine, for the adornment of peace, and the increase of commerce by lengthened voyages in all parts of the world. But as it is not enough to have re-established order and discipline, if we do not by good and wise regulations see to it that the fruit of this shall be secured to posterity, We have considered that it is simply an act of justice to consummate a work so useful and so necessary, and to cause to be reported to us all the Ordinances, both old and new, which relate to the matter, to the end that, having considered them along with the opinions which have been sent to us from the Provinces by the Commissioners dispersed in different quarters for the reformation *des Eaux et Forets*, We may be able, in view of the whole, to form a body of laws simple, precise, and explicit, which shall dissipate all the obscurity of the times past, and leave no longer any pretext or excuse to those who may do wrong.

'For these causes, after having heard the report of persons of intelligence well versed in the matter, with

the opinion of our Council, and our Royal will, We, with our certain knowledge, and full power and authority, have said, declared, and ordained, and We do say, declare, and ordain that our pleasure is what follows:—

'CHAPTER I.—*Of the Jurisdiction of Waters and Forests.*

'*Article* 1. The Judges appointed to deal with Waters and Forests shall take cognisance of all matters civil and criminal, pertaining to the Waters and Forests, to whatever persons and whatever subjects they may relate.

'2. We declare as within matters assigned to them, all questions which may be raised in regard to our forests, woods, and shrubberies, fellings, sales, collecting and delivery of produce, surveys, clearings, and replenishings of woods, and of all tenures in *grurie*, in *grairie*, in *segrairie*, in *tiers et danger*, appannage, sale, contract, usufruct, and co-proprietorship, usages, commons, lands, marshes, pasturage, pannage, mast, right of passage and of movement, and change of bounds and boundaries in our woods.

'3. It shall also be competent to them to decide all actions relative to undertakings and claims on navigable or flotage rivers, both in regard to navigation and flotage, and in regard to rights of fishing, passage, pontage, and other matters, be it in regard to produce or cash, leading off of water, rupture of banks, hiring of barges, ferries, and boats, erections on the river, the construction or demolition of sluices, fisheries of every kind, mills on rivers, the inspection of fish, as well in shops as in boats and reservoirs, and of nets, implements, and articles made use of in fishing, and generally of everything which might impede navigation, or transport and flotage of wood from our forests,—all this, however, without prejudice to the jurisdiction of Provosts appointed by merchants, in towns in which they have a right to take cognisance in whole or in part of these matters, and of that of officials in charge of causeways and embankments, and of that of others who may have in title and possession a right to take cognisance of them.

'4. It is equally Our will that they shall take cognisance of all questions in regard to islands, islets, mud banks, new deposits, encroachments, fish pools, dams, wharfs, rectifications of river courses belonging to us, and of structures or ditches which may be on their banks.

'5. They shall take cognisance also of all actions arising out of contracts, bargains, promises, bonds, co-partneries, as well between merchants as others, in making merchandise of wood, firewood, stave-wood, charcoal, and ashes; provided always that the contracts, bargains, promises, bonds, and co-partneries have been made before the goods had been removed from the woods, rivers, and ponds; and not otherwise.

'6. If there arise a difference in regard to the fees or the payment of wages or salary of workmen, woodmen, and other artisans working in our woods and forests, fishermen, boatmen, or passengers by ferries established on our rivers, We will that such be prosecuted and decided in the Judicial Courts of Waters and Forests.

'7. The same courts shall take cognisance of all suits, disputes, and cases raised in regard to matters relating to the chase and to fishing, the taking of beasts in the forests, thefts of fishes in the water; making inquest into quarrels, excesses, murders, or assassinations committed in connection with such matters, and they shall try, and give judgment in the case, be it between gentlemen, officials, merchants, burgesses, workmen, warreners, fishers, or any others of whatsoever rank they may be, without any distinction whatsoever; there being assigned to them all that is requisite thereto,—court, jurisdiction, and cognisance, with express interdiction to all other judges, under pain of nullification, and arbitrary fine against parties appealing to them; but this is without prejudice to the jurisdiction of Captains of the chase, whom we maintain in their rights, as shall be affirmed in the chapter relating to the chase.

'8. With regard to other crimes which do not concern the chase and matters thus specified, such as robberies, murders,

rapes, brigandages, and outrages committed on travellers, they cannot take cognisance of these, although they may have been committed in the forests or on the waters, unless the criminals have been taken in the flagrant act of misdemeanour, in which case they shall and shall only take evidence and give decreet, and forthwith send on the prisoner, with the charges, in all safety to the judges to whom, according to the ordinances, it pertains to take cognisance of the crime.

'9. The competence of the judges in matters pertaining to the waters and forests shall not be affected by the domicile of the accused, nor by any privilege relating to what has been done, or by anything soever, but simply by the locality, if it relate to depredations, abuses, or malservations, or by the situation of the waters and of the forests, if it be a question relative to usages and of proprietorships, or to the fulfilment of contracts of merchandise which are brought before them.

'10. It is not our intention that in disputes of different parties our forest officials should take cognisance of the proprietorship of waters and forests belonging to communities or private parties, except when there may happen to be a necessary connection subsisting between this and some act of reformation and visitation, or where it may be started incidentally, and adduced in defence against prosecution; but when the question relates to petitory or possession, exchanges, subdivisions, sales by auction, family or feudal redemption, and other actions which are directly and principally arising out of proprietorship unconnected with any act of reformation and visitation, the cognisance of them shall pertain to the baillifs, seneschals, and other ordinary judges.

'11. Our officers shall exercise in the waters and forests of prelates, and other ecclesiastics, princes, chapters, regular communities, secular or lay, and of all private parties, of whatsoever rank they may be, the same jurisdiction which they exercise in ours, in all that relates to matters of usage, misdemeanours, abuses, and malver-

sations, provided they have been called upon to do so by one or other of the parties, and that they have, in doing so, anticipated the action of officers of the seigneurs.

'12. In the Jurisdictions in which the seigneurs have a special judge for forest matters, our officials shall not have such right of anticipating them, except they have been required to act in it; but if there be only an ordinary judge, they shall have this right and the same power, even though they have not been called on to act in it.

'13. If, however, the abuses and depredations have been committed by beneficiaries on forests or woods connected with their benefice, or by private persons on those which are held by them, in this case our officials can take cognisance of them without their being called on to do so, and notwithstanding that they may have been anticipated, and this, whether there be a special judge of matters pertaining to Waters and Forests or only an ordinary judge.

'14. We expressly inhibit and forbid all our Provosts, Castellians, Baillifs, Seneschals, Presidents, and other ordinary Judges, Consuls, and persons belonging to the Court of the Green Cloth, and our Grand Council, and even our Courts of Parliament in first instance, to take cognisance of the cases specified, or of any matter relating to waters, rivers, shrubberies, forest appurtenances and dependences; and we so inhibit and forbid all communities and private persons, merchants or others, of whatsoever rank and condition they may be, to prosecute, reply, or argue on such matters before them, on pain of what may be done being declared null and void, and, of an arbitrary fine against the parties.

'15. We also expressly forbid our Courts of Parliament, and of Lords, to certify any letters patent on matters pertaining to our Waters and Forests held in *Grurie, Grairie, Tiers et Danger*, appanage, sale contract, usufruct, and co-proprietorship, or of those of prelates, ecclesiastics, communities, and holders of mortmain, which have not previously been submitted to the Grand-Master of the

Department, and received his opinion, unless it be that the letters have been forwarded on their reports with opinion attached under their official seal.

'16. Nothing shall be in future received into any office of Judicature of Waters and Forests, which has not been subjected to examination, with regard to the adequate and full accordance of the matters in it with the contents of this Ordinance, by the principal officers of the Court in which the process is to be prosecuted; with regard to the Registrars, Ushers, Sergeants, and other subordinate officers, they shall only be interrogated on the articles which relate to their respective functions; all under pain of being null and void.

CHAPTER II.—*Officials Connected with the Maîtrises.*

'*Art.* 1. The several Forest-Masters, Lieutenants, our Attorneys, *Gardes-Marteau*, and *Greffiers*—Registrars or Recorders of the *Maitrises* shall be fully five-and-twenty years of age; they shall be supplied by us, and receive at the Marble Table of the Department the information previously obtained by the Grand-Master, his Lieutenant, or other Officer of the Court commissioned by him, in regard to their life and conduct, of their being of the Catholic Apostolic Roman religion, and of their fitness for the work of the Waters and Forests; with the exception of the *Greffiers* who shall receive theirs at the *Maitrise.*

2. An Audience shall be held on one day in each week, in the Auditory or Audience-Hall of Waters and Forests; and they shall meet on the same day in the afternoon, or oftener if need be, in the Council Chamber, to judge on documentary deeds, and advance all other ordinary business.

'3. We will that there be in the Council Chamber a chest closed with three keys, in which shall be deposited the *Marteau* or Hammer-stamp, designed for marking corner trees, divisions, border trees, *balliveaux* or seed-bearing reserved trees, and others to be reserved; one

of these keys shall be for the Master, or the Lieutenant, to be used by him in the absence of the Master; another for our Attorney or *Procureur:* and the third for the *Garde-Marteau*, so that the *Marteau* cannot be taken out but with the consent of all, and with an obligation to replace it every day on which it is taken out, after the business for which it was required has been done.

'4. We will also that within or near the same Chamber there shall be placed presses, in which shall be deposited all the registers and papers of the Registry, to which the Grand-Master, or the Forest-Master, our Attorney, and other Officers, shall have access whenever seems good to them, but without having a right under any circumstances or any pretext to remove them, under penalty of a fine of three thousand livres, and suspension from office.

'5. From this time forward none of the Forest-Masters, Lieutenants, King's Attorneys, Gardes-Marteau, Surveyors, or Registrars shall be kinsmen, or so nearly related as cousins-german; nor shall they hold two offices in the forest service, or any office of judicature or finance, excepting the Lieutenant, who may combine with his office another royal appointment, which may be in the judicature or the finance.

'6. Neither can they give permission verbally, or in writing, to cut or pull up any wood, or to send beasts to pasture in our forests, under penalty of a fine of three hundred livres.

'7, We expressly forbid forest officials to take any wood in payment of fees or salary due to them; and to merchants to give them any, under any pretext whatsoever, under pain of suspension and a fine of a thousand livres against the officers, and a fine of three hundred livres against the merchants.

'8. We forbid all officials in a *Maitrise* to exercise by appointment or commission any office, or to receive any salary, or hold any farm belonging to seigneurs, communities, or private persons, directly or indirectly, under any

pretext whatsoever; but they shall, within six months, decide what to do, and on that time having elapsed, we declare their charges vacant and open to others; and if any be in this position they shall be held as having resigned, and others shall be appointed in their places, six months after the publication of these presents; or otherwise and that time having passed, the situations shall be declared vacant, and requiring to be filled up.

'9. Officers in the *Maitrises* received by commission shall enjoy while in office the same honours, privileges, and exemptions as are accorded to officers by appointment.

'10. Papers of process prepared by commission shall not be issued, but shall be reported by the commissioners who have prepared them.

'11. Every officer suspended by authority of a Court of Justice from the functions of his office, shall abstain from the exercise of these during the time of appeal or dispute, under pain of their acts being declared null and void.

'12. We forbid to all ecclesiastics, and Officers of Parliament, of Grand Council, of the Lords, of Courts *des Aydes*, and others our Courts, to hold or exercise either by appointment or commission, any charge in the jurisdiction of our waters and forests, under pain of their proceedings being declared void, and a fine of three thousand livres.

'13. The Forest-Masters, Lieutenants, King's Attorneys, Gardes-Marteau, Registrars, Surveyors, and Sergeants of the Guard shall be exempted from having soldiers billeted on them, from having to furnish implements, provisions, contributions, or subsistence; or undertaking guardianship, and curatorship, the collecting of our dues and other public burdens; and they shall have their judicial cases, both civil and criminal, decided at the *Presidial* of the district, and the same as with the towns liable for the land tax, they shall be taxed from the office of the commissioners of distribution, if they do not hold some like privilege elsewhere, so long as they discharge the functions of their office or commission.

CHAPTER III.—*Grand-Masters.*

'*Art.* 1. They shall take cognisance in first instance, and subject to appeal, of all actions brought before them in regard to inspections, sales, and reformations of waters and forests, between whatsoever persons, and in whatever circumstances, and relative to whatever matter they may be.

'2. To them shall it pertain by privilege and special prerogative before all other officials of the waters and forests, to execute all our letters patent, orders, and mandements in matters relative to waters and forests, be it in regard to sale of wood, belonging to us or to ecclesiastics, or to communities, and that for whatsoever cause the sale may be.

'3. They shall have a deliberative voice in the Council Chambers, and in the Audiences of the Judges in Final Appeal, and their seat shall be on the left hand, next to that of the Dean of the Chamber.

'4. They can, in making tours of visitation, make reformations of every kind, and judge all misdemeanours, abuses, and malversations which they may find to have been committed in their Department, be it by officers or by private persons, and pronounce sentence on the culprits.

'5. They shall proceed against officers whom they find faulty, by informations, decreets, seizures, and arrests of their persons and effects, and of their wages; they shall institute proceedings, or delegate power to do so, and carry on the process, notwithstanding opposition or appeals of any kind, against the pronouncing of sentence inclusive, if it seem to them good, saving only execution in case of appeal; in any such case they shall carry or send to the Registrar of the Marble Table a statement of the case; they shall also cause the accused to be taken to jail, if he be a prisoner, in order to his being judged by them or their Lieutenants, following rigorously the ordinances; and inter-

dicting to officers the discharge of their functions, and even their entrance into the forests, and appointing other fit persons in their room, according as has been by us elsewhere ordered.

'6. With regard to woodmen, *chartièrs* or carriers, herdsmen, shepherds, and other workmen employed in the exploitation and transport of wood, the Grand-Masters shall have full power to institute and prosecute to final issue, any charges against them of abuses or malversations committed in relation to, or connected with waters and forests, which charges they shall try in the Court-House of the locality of the misdemeanour, before seven judges at least; but with regard to all other persons they can only judge them in criminal matters subject to appeal; they can, however, by themselves, and without appeal, dismiss sergeants, clerks, and overseers of the forest guard, or in charge of forests, warrens, roads, meadows, woods, waters, rivers and streams, both in our domains, and in those held in *Grurie, Grairie, Tiers et Danger.*

'7. They may make provisional appointments to the situations of those whom they have dismissed, both in waters, woods, warrens of our domains, *Grurie, Grairie, Tiers et Danger,* and in those of secular communities, and they may oblige ecclesiastics to do the same, according to their power; and in case of refusal or neglect, they may appoint to the office, and give all writs and orders necessary for the payment of wages.

'8. When they carry processes to the local Court-House for judgment they have a deliberative vote in the first sederunt, and a right to express an opinion in the final one, whether there be one or more sederunts; they also appoint the day and hour of meeting; but the President, Lieutenant-General, or other official who presides, shall propose or submit the case and call for opinions, collect the votes, and throughout direct the procedure, as is the practice in cases in which the Grand-Master is not there.

'9. The Grand-Masters shall in each year make a tour of general visitation throughout all the *Maîtrises* and

Gruries of their Departments, from ward to ward, from one measured lot to another, informing himself in regard to the conduct of the officers, surveyors, guards, usagers, borderers, merchants, purchasers, and overseers in charge of the waters and roads, rivers, canals, public ditches, and waterways; they shall see the registers of our Attorneys, Gardes-Marteau, Surveyors, and Sergeants of the Guard, also those of the Registrars, and the minutes, reports, informations, and other deeds relative to visitations, misdemeanours, abuses, undertakings, usurpations, malversations, and contraventions of all kinds, both in regard to waters and forests, and in regard to game and fishings; see whether the guards have made their reports, the attorneys have done their diligence, and the officers done justice, and make known defaults; and to this end Sergeants, Gardes-Marteau, and Forest-Masters shall be bound to represent to them on the spot, the depredation of which they have made a register, so as to test their diligence; in default of which they shall be personally condemned as if they themselves had committed the depredation or misdemeanour.

'10. The Grand-Master shall attend the auction sales, he shall appoint to officers and surveyors the places and cantons in which to make surveys of places to be felled in the following year, of which sites of sale he shall prepare a formal report, and lodge a copy of this with the Registrar, for the officers of the *Maitrise*, who shall be required to conform strictly thereto, on pain of a fine of three thousand livres against the whole body collectively of those who have committed any contravention.

'11. He shall be bound to send every year before the month of June, to the officers of the *Maitrises*, his order and mandement to make *assietes* or plans and inventories of sites of felling for sales, containing the designation of the *triages* or lots, and cantons specified in his said report; and also to send before the month of September other mandements specifying the days of sales and adjudications.

'12. He shall cause to be marked with his marteau the corner trees of the sites, and all the other trees to be reserved, at all times when he thinks it proper to have this done.

'13. He shall hold sales by auction of our woods, both coppice and timber, before the month of January in each year, of the number, quantity, and quality stated in the regulations approved by our Council, with explicit charge to the purchaser to pay the amount of his bidding into the hand of the Receiver-General or special receiver for woods, whom he may have appointed there, or otherwise to the Receiver-General of the domain, at such time as may be fixed by the Grand-Master, but in no case later than St. John's Day in the year after the sale; besides which he shall pay into the hand of the Receiver one sol or sou *per* livre of the price bidden by him, in terms of sale, to be spent in payment of wages, fees, and dues of officers, according to the allowance to be made to them by the Grand-Master, on their simple receipt; and if the one sol *per* livre do not suffice for this the remainder shall be paid out of the proceeds of the sales.

'14. They cannot increase or diminish sales of their own authority, nor the burden of any usage, supply of firewood, rights or servitudes, nor can they grant or deliver wood in kind, or order payment of money in consequence of any gifts, on pain of dismissal and a fine of ten thousand livres.

'15. They shall as often as possible make verifications by Reformations that it may be known if officers of *Maitrises* have abstracted, or have misrepresented, or have too lightly sentenced merchants for abuses and malversations committed by them, in which cases they may condemn them to pay the penalties which the merchants would legitimately have incurred.

'16. If the Grand-Masters in their visitations and verifications in our woods and forests observe void and vacant spots, and thin and stunted trees, they may cause these spots to be sown or replenished to give to them value; and they also may cause trenches to be made at our cost and

expense for the conservation of the new young growth where this is necessary, this being done by competitive estimate, or abatement and reduction; with regard to the cutting down of trees they must prepare reports or minutes, and address these to the Council to have this sanctioned.

'17. They shall send every year to our Council, by the hand of the Comptroller-General of our Finance, three statements of sales made by them; the first shall contain the quantity of wood sold in each *Maitrise*, forest, lot, and ward, the price obtained for this, and the charges or expenses, both in money and in wood; the second shall contain the amounts awarded to the officers of the *Maitrise*, especially for their rights, allowances, day's wages, and firewood, to be met by the sol *per* livre on the sales, paid by the buyer; and the third containing the amounts which have been allowed for sowing and replanting void spots, and for cutting down injured and stunted woods, to make them productive, for making trenches, and for other outlays and extraordinary expenses incurred in the management of our forests, the funds for which have been taken from fines and cash received by the sergeant collector.

'18. We forbid them to permit or suffer any kilns, furnaces, charcoal-making, grubbing and up-rooting, lifting or removal of beacons, acorns, and other produce from our forests, contrary to the provisions of these presents, on pain of arbitrary fine, and reparation of all our damage and interests.

'19. They shall make in the woods in which we have the right of *Grurie*, *Grairie*, *Tiers et Danger*, and in those held in appanage, sale-contract or usufruct, and by joint-proprietorship, the same visitations as in our forests, and they shall proceed with sales and verifications with the same formalities as in our woods and forests, without suffering any advantage to be taken, or any preference to be given to the rent-holders and possessors.

'20. They shall keep a good and faithful register of the minutes of sales and auctions which shall be held by them, their visitations, grants, commissions, appointments and

dismissals of officers, inquests and decisions of prosecutions, and of orders and acts, which they shall issue in their charges in the course of each visitation and verification, a duplicate of which register they shall on their return deposit with the Registrar of the Marble Table, that it may be at command.

'21. They may, when it seems to them good, make visitations in the woods and forests pertaining to ecclesiastics, communities and holders by mortmain, to see if there have been committed any depredations and waste in the timber forests, and whether in the fellings of coppice woods, reserves and limitation in regard to age of trees felled have been made conformably to our ordinances and regulations, in order that there may be done in these woods what in each case may be required.

'22. They shall regulate the partition of waters, woods, meadows, and pastures in commons, as well in regard to the lot claimed by the seigneurs as to the usage claimed, and the division of the ground between them and the inhabitants; and when need be, they shall make sales, auctions of wood, or the giving up of woods to be felled, we interposing our authority through them, so as to prevent and repress any vexation.

'23. They shall visit our navigable and flotage rivers, together with the roads, fisheries, and mills upon our waters, to see if there be any encroachments or usurpations which may impede navigation or flotage, and to remove these immediately that the course of the river may be free of all impediment.

'24. They shall cause themselves to be furnished with statements by the collectors of the fines imposed in each *Maitrise*, and of the money paid as fines, confiscations, sales of stolen trees, restitutions, and damages awarded in our woods and forests, and in those held in *Grurie*, *Grarie*, *Tiers et Danger*, concession, mortgage, usufruct, and co-proprietory; which statements they shall collate with the lists of items cited, signed by the Registrar, and of the diligence used to recover these amounts and specified

charges; and it shall be seen by the Grand-Masters that what, in consequence, is necessary and for our interest, be done.

'25. The Grand-Masters shall allot, from money appropriated to such work, the fees and extra wages of officers of the *Maitrises*, and others whom they may employ, as well for reviews and reformations, as for their regular service in our waters and forests, according to work done; and if, from the statements prepared by them for the payment of fees and dues to the Officers, after taking the sol *per* livre levied on ordinary sales of wood, there be a deficiency, they may order payment of what is alacking to be made from the pooceeds of sales, so far as they find this to be necessary; but no other official can interfere to order payment of any sum from the fine fund or from any other, under penalty of repaying the same fourfold, and suspension from office.

'26. All judgments, orders, and deeds which shall be issued by the Grand-Masters on their tours of visitation shall be sent to the Registrars of the *Maitrises;* and all those issued from the establishment of the Marble Table shall be sent to the Registrar of the Court, to be delivered by the Registrars, as are other documents of the Court, without any other person having right to interfere, under punishment for forgery; and orders which they may issue for cutting firewood, or other matters, and all acts and judgments they may issue in reformations shall be delivered by the Registrar whom we commission in each Department, gratuitously and without any expense or dues, on pain of charge of exaction, saving when it is otherwise provided by us.

'27. The Grand-Masters can take no due, gratuity, fee, or wage under any pretext whatsoever, on account of any thing done by them in what relates to our waters, rivers, forests, woods, shrubberies, woods held in *Grurie*, *Grairie*, *Tiers et Danger*, appanage, sale-contract, usufruct, and by co-proprietorship; and the same in what relates to those of prelates, ecclesiastics, communities, and holders of mort-

main, under pain of a charge of exaction and four-fold restitution, and it shall pertain to us to see this attended to.

'28. We enjoin Provosts-General, Provincial Magistrates, Lieutenants of the Short Robe, Vice-Bailiffs, their Lieutenants, Bailiffs, and Bowmen, and all other Officers of Justice, to lend a strong hand in the execution of the decrees, orders, and judgments of the Grand-Masters and Officers of *Maîtrises*, under allowance by the Grand-Masters for their expenses and extra salary, to be paid from fine-money, confiscation, and restitutions, when on our business, or from that of parties when on the business of others.

CHAPTER IV.—*Of "Maîtres Particuleires" or Forest-Masters.*

'*Art.* 1. The Forest Masters, or their Lieutenants, take cognisance in first instance subject to appeal by parties or by request of our Attorney, as well in civil as in criminal cases of all matters pertaining to waters and forests, and their surroundings and dependencies, following the restrictions and limitations contained in articles of the present ordinance.

'2. When they are not graduates, the Lieutenants shall at the Court make the statement and the report in all cases, civil and criminal, and the Masters shall have a deliberative voice and pronounce sentence; but when they are graduates the Lieutenants shall only have to report and vote; the instruction, the judgment, and the sentence following the plurality of votes remain with the Master, both in the Audience-Hall, and in the Council Chamber.

'3. The Forest-Master shall hold an Audience once a week at least, in the usual place; and the cases remitted from the preceding Audience shall be called first if there be any such; and they shall be judged summarily, so far as this can be done, along with the other cases or business, especially the minutes of the Gardes-Marteau, Gruyers, and Sergeants, and the fines imposed without being referred, the roll of which shall be signed by them,

and be placed every three months in the hands of the Sergeant-Collector, who shall be bound the next day after the first Audience day of the month to report his diligence, and to render account to the Forest-Master, at the instance of our Attorney, to be forthwith prosecuted as may appear meet, all under pain of their being held responsible in their own names.

'4. They cannot give judgment either in Audience or in the Council Chambers, nor can they liberate prisoners, or deliver up animals which have been seized, excepting on the conclusion arrived at by our Attorney, and the advice of the Lieutenant in the *Maîtrise*, and that of the Garde-Marteau, if they be present at the sitting.

'5. They shall so cut and page the registers of our Attorneys, Gardes-Marteau, Gruyers, Registrars, Sergeants, and Warders of our forests, woods, and shrubberies, and of woods in *Grurie, Grairie, Tiers et Dangers*, and held in appanage, mortgage, and in usufruct, so that nothing can be added thereto or taken away.

'6. They shall every six months make a general visitation of all our forests, woods, and shrubberies, woods subject to *Grurie, Grairie, Segrairie, Tiers et Danger*, and of all those held in co-proprietorship, appanage, mortgage, and usufruct, together with the navigable and flotage rivers in their *Maîtrises*, assisted by the Gardes-Marteaux and Sergeants, without the exclusion of the Lieutenants and our Attorneys, who can be there present if it seem to them good, under pain of fine of five hundred livres against the Forest-Masters, and suspension from their functions for six months, save when they shall be mulcted in a larger sum, or punished more severely, as the Grand-Master may judge proper; who shall so regulate the time of the visitation, so that it may be made by the Lieutenant, if the Forest-Master cannot accomplish it.

'7. The minute of the visitation shall be signed by the Forest-Master, and by all the Officers present, and it shall state what sales ordinary and extraordinary have been made of coppice and of timber in the course of the year;

the condition, age, and quality of the wood of each ward and lot; the number and kinds of wood in windfalls, the state of the trenches, king's highways, bounds, and divisions, that the remedies which the Forest-Masters may consider proper may be executed at once; but these general visitations do not dispense with their frequently making special visits, of which they shall prepare minutes, which they shall present to the Grand-Masters, to inform them of the conduct of the borderers, guards, and sergeants of the forests, merchant-purchasers and their commissioners, woodmen, workmen, and carriers, and of every thing else concerning the police and conservation of our woods and forests.

'8. They shall, within fifteen days after they have made these visits, decide the amount of fines to be levied for the misdemeanours mentioned in the minutes of their visits, under pain of being held responsible in their own names.

'9. We order the Forest-Masters, within fifteen days after the completion of each quarter, to balance and sign, in presence of our Attorney, the roll of fines, restitutions, and confiscations which have been adjudged at the Court of the *Maitrise*, after these having been verified by them in the minutes and judgments rendered at the sittings, and they shall cause these to be delivered to the Sergeant-Collector, at the instance of our Attorneys, under pain of being held responsible for the sums stated in the rolls.

'10. The Forest-Masters shall, six weeks after the time of felling and bringing out the wood has expired, make a verification of the sales made in our forests, woods, and shrubberies, and of the auction sales of coppice woods which are in *Grurie*, *Grairie*, *Tiers et Danger*, co-proprietorship, appanage, mortgage, and usufruct, and of windfalls, stolen trees, small sales, panage, and mastage, conformably to the orders given: they shall be bound to prepare, before the first of December in each year, a statement of the greater measurements and excesses which they have found out in their verifications of sales in our woods and coppice woods in *Grurie*, *Grairie*, *Tiers et Danger;* and of

windfalls, and stolen trees which have been sold in the course of the year, and of the auctions which have been held of panage and mast; which statement shall contain the sums in detail of each kind, and the names of the purchasers and cautioners, which shall be signed by the Lieutenant, our Attorney, the *Garde-Marteau*, and Registrar of the *Maitrise*, and which they shall deliver to the Receiver-General of the woods, if there be one settled there, or otherwise, to the Receiver-General of the domain, to make recovery of the same; and it shall be sent to the Grand-Master before the fifteenth of December, that it may be embodied in the general statement which he is required to make of the produce of our forests, to be by him sent to our Council by the Comptroller-General of our finances; all under pain, against the Masters, of suspension from office, and arbitrary fine.

'11. They can also visit, accompanied as stated, at all times they may judge necessary, or be ordered by the Grand-Master, the woods and forests within the bounds of their *Maitrise* belonging to the prelates and other ecclesiastics, commanders, communities, as well regular as secular, infirmaries and hospitals, and holders of mortmain, to prepare minutes in the same manner, and under the same pains as we have prescribed in the case of ours.

'12. They shall be held bound to send also to the Grand-Masters the minutes of the general visitations, signed by them and other officers of the *Maitrise*, within a month after they have been prepared, under pain of fine of three hundred livres against the Master, along with loss of wages, which the Receiver of the woods or of the domain cannot pay or expend on their demand, but only on the reported certificate of the Grand-Masters that the minutes have been sent to them.

Chapter V.—*The Lieutenant.*

'*Art.* 1. The Lieutenant shall be a graduate, and shall, in the absence of the Master, discharge the same functions

in all our woods and forests, woods in *Grurie, Grairie, Tiers et Danger*, and in those of appanage, sale-contract, and usufruct, in visitations, surveys of fellings, sales, auctions, and verifications, as also in the Audience-Hall and in the Council Chamber, and in all else; in which case, in all he shall do for us, he shall have two-thirds of the dues, fees, and emoluments which the Master would have had had he been present; and for special work he shall be paid according to the regulations, and according to the work done.

'2. If the Master be not a graduate, the Lieutenant shall have preferentially all instructions to give in Court in all business concerning the Waters and Forests, and which shall be raised by parties or at request of our Attorney.

'3. He shall be required to reside in the town in which is the Court of the *Maitrise*, and he may not absent himself, particularly on the days and hours of the Audience, without previous notice to the Master or the Garde-Marteau, that they may provide a substitute in his absence for the administration of justice, so that the Court may be always complete, under penalty of privation of wages.

'4. If a month after the time prescribed for the Forest-Masters to make their general visitation, any have not done so, the Lieutenant shall be bound to make a general visitation of the Waters and Forests of the *Maîtrise*, assisted by the officers, as directed in the chapter relating to Forest-Masters, and under the same penalties as have been prescribed in regard to him.

CHAPTER VI.—*Of the "Procureur du Roi," or King's Attorney.*

'*Art.* 1. Our Attorney shall be a graduate, and shall discharge his functions as well in the Court of the *Grurie* as of the *Maitrise*.

'2. He shall be bound to have three separate and different registers; of these, the first shall contain a statement of all suits which he shall have had to undertake,

and of all which have been reported to him, or to the Registrar of the *Maitrise*, to whatever cause they may be attributed; and of all appeals which have been taken by him against judgments, sentences, and orders pronounced at the Court, with the names of the parties, the days on which they were notified, and sent by him to the Attorney-General, and notice was given to the Grand-Master; the second shall contain all the preliminary and definite conclusions given; and the third all business relating to woods held in *Grurie*, *Grairie*, *Tiers et Danger*, and in co-proprietorship, and by appanage, sale-contract, and usufruct, and to those of ecclesiastics and communities within the bounds of the *Maitrise*.

'3. If any deed or minute shall not have been reported, or any reply, reference, or absolution which may have been granted, whether verbally or in writing, according to the nature or arrangements of the business, shall not be reported by him, this shall entail a fine of five hundred livres against the Master and other officers involved in the contravention, with suspension and deprivation of charge in case of repetition.

'4. He shall be bound to give, without hesitancy or delay, his preliminary and definitive decisions on the minutes of visitations made by officers, on reports by Gardes-Marteau, and Sergeants of the Guard, and generally on all deeds presented to him, in relation to abuses, malversations, defaults, and encroachments made in our waters and forests, woods held in *Grurie*, *Grairie*, *Tiers et Danger*, and in co-proprietorship, and in those held under title of appanage, sale-contract, and usufruct, and in regard to all pertaining to our service, and the prosecutions of the judgments and condemnations on his decisions, under pain of being held personally responsible.

'5. He shall be bound to prepare each month a statement of the appeals which have been made, and have been notified to him, or to the Registrar of the Court; and of the judgments and condemnations which have been pronounced affecting our waters and forests, woods and

shrubberies, and woods held in *Grurie, Grairie, Tiers et Danger*, or held by title of appanage, sale-contract, and usufruct; these they shall send three days later to our Attorney at the Court of the Marble Table, with the documents and memoirs of instruction, for the preservation of our rights and interests; and if there be not notified to him, within three months from the day of the appeal notified against the judgments or sentences, the discharge of the condemnations, he shall require to have prosecuted at his instance the execution of these, under pain of being himself held personally responsible for the same.

'6. He shall undertake that the papers of the Registrar shall be properly deposited in the presses appropriated to this purpose; and that the Gardes-Marteau, the Surveyors, and Sergeants of the Guard, have bound registers in which to enregister all the minutes which shall be made by them. which registers shall be numbered, arranged, and kept by him, that they may be produced when required.

'7. He shall be bound to make all enquiries and prosecutions necessary in the effecting of fellings, markings, sales, auctions, and verifications of our woods, and the investigation and punishment of depredations, abuses, and malversations, on advice given to him of these, within eight days after the reports have been lodged with the Registrar, on pain of privation of his wages for the first time, and the loss of his appointment with arbitrary fine on repetition.

'8. Fellings, auctions, verifications, and all other like acts must not be deferred, unless this have been judged proper by the Grand-Master, under cover of remonstrance and requisition made by our Attorney, but made under condition of the repayment of expenses and outlay by the officer guilty of contravention, if the requisition shall be found well founded by the Court to which the deed of remonstrance or opposition has been sent, of which he shall be bound to send advice to our Attorney-General within fifteen days of the copy of the judgment having been delivered, under pain of being responsible personally for whatever prejudice we may suffer through his negligence.

'9. If there occur any abuse at any Audience, measurement, or verification of sales, or if anything be done prejudical to us by the Grand-Master, the Forest-Master, and officers of the *Maîtrise* and *Grurie*, by proceedings and undertakings contrary to our Ordinances and regulations and to their duty, he is bound instantly to remonstrate, and demand that action be taken, which cannot under any pretext be refused by the judge present, under pain of suspension from his office, of which paper there shall be delivered to him by the *Greffier* a copy without delay, under pain of four hundred livres of penalty.

'10. The rolls of fines and confiscations, restitutions, and other condemnations shall be made, signed, and determined, by the officers every three months, and prosecuted with due diligence, and within fifteen days after the expiry of each quarter they must be put into the hands of the Sergeant-Collector of fines, to recover the same at his instance: this he shall get back with the sign manual of the Registrar, and at the foot he shall put the receipt by the Sergeant-Collector, who shall report to him, the day after the first day of Audience in each month, before the Forest-Master or Lieutenant, what diligence he has used for the recovery of the same: and if he find there has been any default, negligence, or other failure in the prosecution by the Sergeant-Collector, he shall record such conclusions against him as he may think good, to be confirmed generally as may be made to appear proper.

'11. There shall be communicated to him all decreets which may be made by Courts of Justice, enumerations, agreements, assignments, contracts of sales, declarations, new titles, recognaisances, and alienations of immovable property and heritages of all kinds, situated in the vicinity, and adjacent to our woods and forests, that he may advise the Grand-Masters in regard to the same: and following their orders and instructions, he shall reprimand if necessary, and prevent anything being sold, alienated, or attached, which is dependent on our domains, or the

establishment of a servitude on our woods and forests,—under pain of nullification of all deeds and contracts which may be executed without this formality, which deeds shall be of no force against us for the establishment of any pretended rights by the private parties, or the proprietors of any heritages and their contents, which may be disputed by us; and if our Attorney give of his own motion any consent, it shall not be available against us, or any of our claims for expenses, damages, and interests.

'12. He shall keep one of the keys of the chest in which is deposited the *Marteau*, serving to mark trees, corner pieces, reserved standards, and others, without permitting use to be made of it but in his presence; he shall also take in charge that it is redeposited in its place at the end of every expedition on which it is so used.

Chapter VII.—*Of the Garde-Marteau, or Keeper of the Stamping-Hammer.*

'*Art.* 1. The *Garde-Marteau* shall assist at the Auditories and in the Council Chamber, in giving judgment on business, where he shall, along with the Master and Lieutenant, have a deliberative vote; and in their absence he shall administer justice, to the exclusion of all advocates and practitioners, if by us, through the Grand-Master, or his Lieutenant at the Marble Table, it have not been ordered otherwise, and if it be not a question of judgment on his own reports.

'2. He shall make all martelages or markings of trees in our forests, woods, and shrubberies within the *Maîtrise*, and also in localities where they have *Gruyers*, to which he shall himself go, being without liberty to commit or intrust the duty to another, save for legitimate hinderance, of which he shall be bound to give notice to the Master and King's Attorney to provide some one in his place.

'3. He shall have a particular *Marteau* to mark windfalls and stolen trees, which he shall never entrust to another person, because of the inconvenience which might

thence arise, and for this he shall be responsible; and he shall prepare minutes for his register, which shall contain notices of all the trees which have been marked as fellings for sale, their size, quality, and species, this he shall cause the Sergeants of the Guard to sign, and deliver to the Registrar of the *Maîtrise* three days after, on the same pains.

'4. There shall be kept by the Master or his Lieutenant, a register of the markings of corner trees, reserved standards, and other trees which they mark, of which there shall be prepared minutes, containing their number, quality, size, and species, which shall be signed by them, and by our Attorney, Garde-Marteau, Sergeant of the Guard, and the Registrar, and also other minutes of the recognaisances which shall be made of the trees marked at the time of the verification of the sales.

'5. Besides the assistance they shall be bound to render at the visitations of the Grand-Master, of the Forest-Masters, and other officers, they shall themselves make a visitation every month of all the wards in our Forests and Woods in *Grurie, Grairie, Tiers et Danger*, and by title of appanage, co-proprietorship, sale contract, and usufruct in the *Maîtrise*, to see and know if the guards have faithfully reported all depredations which may have been committed, and in order to this the guards of the forest shall be bound to assist them on these visitations; and, besides this, they shall visit every fortnight the open fellings, together with the roads and highways made use of for the transport of wood, to know of the exploitation, and of any misdemeanours and contraventions, and of any depredations, of which he shall prepare minutes in his register, which minutes he shall cause to be signed by the Sergeants of the Guard, and by the factors or guards of sales, and this shall be by him, three days later, lodged with the Registrar, whereby he shall be relieved; and these minutes, after having been communicated to our Attorney, shall be reported and judged on the first day of Audience, on pain of loss of wages the first time, and privation of office on repetition.

CHAPTER VIII.—*Of the Greffier, Recorder or Registrar.*

'*Art.* 1. The Registrar shall have eight registers, numbered and arranged by the Master, or his Lieutenant, and by our Attorney.

'2. The first shall be for the entrance of edicts, declarations, decrees, regulations and ordinances, provisions and receptions, appointments and dismissals of officers and guards of the *Maîtrise.*

'3. The second, minutes and appointments, sales of fellings, publications and biddings, auctions and verifications of ordinary and extraordinary sales of timber, and also of windfalls and captured stolen wood, pannage and mast, in our woods and forests in *Grurie, Grairie, Tiers et Danger,* and by title of appanage, co-proprietorship, sale-contract, and usufruct in the *Maîtrise;* in this shall also be entered the statement which he shall cause to be prepared annually by the Forest-Masters, of all that we ought to receive in each *Maîtrise;* which minutes and deeds shall be signed by the Master, our Attorney, the Gardes-Marteau, the special Receiver of our woods, if there be one appointed, otherwise by the Receiver of the domain, and by other officers who have executed the acts recorded.

'4. The third, minutes of visitations by the Forest-Masters, their Lieutenants, Gardes-Marteaux, and Gruyers, reports by guards and sergeants, which shall be without delay signed by them on the register, so far as they have been made in their presence, without alteration of dates, or of confiscations, fines, restitutions, damages, and compensations adjudged in consequence.

'5. The fourth, Cases of Audience, in which shall be transcribed the judgments given on pleadings and processes by writings, that recourse may be had to these, and thus be obviated the evils which might result from the embezzlement of minutes.

'6. The fifth shall contain the contracts of sales, both voluntary and judicial, enumerations, consents, leases,

assignments, and declarations of immoveable property and heritages situated within the bounds of our forests, together with replies, interdicts, or consents which shall have been given by our Attorney.

'7. The sixth, all deeds and procedures which relate to the navigation and flotage of rivers, to the chase, and to fishings.

'8. The seventh, what may have been done for the woods of ecclesiastics, communities, holders of mortmain, and private parties, in reference to what is spoken of in the first chapter of the jurisdiction; and the eighth shall be for the deposit of all other papers that shall be brought or consigned to the Registrar.

'9. The Registrars of *Maîtrises* shall make every three months, at latest fifteen days after each quarter-day, rolls of the fines adjudged at the Court of their establishment, on which they may charge five sous for every deed of condemnation as the fee for the sentence, and two sous for the fee for every default which shall be pronounced, and seven sous six deniers for the fee of the Sergeant, on whose report there has been a conviction; which fees they shall cause to be paid by the Sergeant-Collector in proportion to the total actual receipts—without the Registrar having power to pretend to extra wage, under pretext of the greatness of the rolls or otherwise; and they shall deliver two clean copies of these rolls to our Attorneys, of which one shall remain with them, and the other shall be supplied eight days after to the Sergeant-Collector, to recover the same.

'10. They may not take more for each copy which they deliver than three sous for each sheet of paper, and fifteen sous for each roll of parchment, which shall be filled with the number of lines, words, and syllables prescribed by ordinance; as for other fees for papers of instruction, these shall henceforth be regulated by opinion of the Grand-Masters, after having heard the officers of the *Maîtrises*, without their having power to award any for those which have been delivered to our Attorneys, or to our other officers for our business, or put on parchment

any matters other than the definitive sentences pronounced on sight of the documents.

'11. If by fraud or otherwise the Registrar omit to make use of any articles of the minutes of visitations and reports in his registers, and the sentences in the rolls, he shall be bound to pay quadruple the amount to our profit for the first time, and be dismissed from office on repetition.

'12. The Registrar leaving office shall be bound to replace in the press placed in the chamber of the *Maitrise* for the purpose, the registers and all other papers of the registrary, of which there shall be prepared by the Master or his Lieutenant, and our Attorney, an inventory which shall be signed by the Registrar, with a declaration that neither of fraud or otherwise has he retained any document; and the whole shall be put into the hands of the Registrar or Commissioner who succeeds him, who shall take upon himself by writing at the foot of the same inventory, the charge of it, nor shall his heirs or representatives be able to retain any documents under any pretext whatsoever, and so on successively; but they shall be paid half of the emoluments of any business which may be in process handed over to the new Registrar, who shall retain the other half for his own salary and those of his clerks and commissioners.

'13. The widows, children, or heirs of a Registrar remain responsible for the registers and documents of the registry until they have been thus formally disposed of; and in case of retention, they shall be constrained by any means, even by force or bodily constraint, immediately to deliver them up at the instance of our Attorneys, under pain of being held responsible in their own names.

CHAPTER IX.—*Of Gruyers, or Officers in charge of Woods held in Grurie, Grairie, Tiers et Danger, and by Title of Appanage, Co-Proprietorship, Sale-Contract, and Usufruct in the Maîtrise.*

'*Art.* 1. The Gruyers shall have a fixed place in which to hold their court in each week, at a certain day and hour,

and shall have their residence within the bounds of the Grurie, as near to the woods as possible, under pain of loss of wages and suspension.

'2. They shall have a particular marteau, with which they shall mark injured trees and windfalls.

'3. They cannot judge misdemeanours or depredations other than those for which the penalty fixed by our ordinance is twelve livres and under; and if the fine be arbitrary, or exceed this sum, they shall be bound to send the case and the parties before the Forest-Master of their Grurie, under pain of a fine of five hundred livres for the first time, and suspension for repetition.

'4. They shall make a visitation every fortnight of the waters and woods of their Gruries, of the same kind and manner as is required of the Officers of *Maitrises* in their visitations, making the same observations and reports of depredations, damages, void places, malversations, cutting down of reserved standards, of corner trees, border trees, and others, of boundaries, ditches, and generally of all which may be contrary to the orders established by the present regulation.

'5. The Sergeants of the Guard of the woods of their Grurie shall bring to them reports of all depredations, these shall be declared and shall be registered in the registrary, twenty-four hours after the recognaisance has been made; and the Gruyers shall remit to the *Maitrise* those which may demand sentences exceeding twelve livres in amount.

'6. They shall have a register numbered and arranged by the Forest-Master or his Lieutenant, and our Attorney, into which they shall transcribe the minutes of their visiations, observations, markings, and recognaisances, the reports of the Sergeants of the Guard, and all the other acts of their charge, which register shall be signed by the Sergeants; and three days after each act they shall pass judgment on the articles within their competence, and of others send a copy under their seal to the Registrar of the *Maitrise;* they shall make minutes indefinitely of all

matters, make inquisition, decree, and also arrest in cases of depredations discovered in the act of being committed in our waters, woods, forests in *Grurie, Grairie, Tiers et Danger*, and by title of appanage, co-proprietorship, sale-contract, and usufruct in the *Maitrise*.

'7. They shall be responsible for depredations, destructions, and disorders which may occur in the woods and forests in their Grurie; and failing their having attended to them and passed judgment, they shall be liable for the fines and restitutions which delinquents and usurpers would have incurred, under twelve livres, or in default of having sent the minutes and advice to the Registrar of the *Maitrise* eight days after the misdemeanour committed or usurpation made in more serious cases.

'8. They shall every three months deliver the roll of fines which they have imposed, signed by them and by the Registrar to our Attorney of the *Maitrise*, to be by him supplied to the Collector of Fines, that he may recover these, in doing which they shall charge on each article of condemnation three sous for the Registrar, and three sous for the Sergeant of the Gaurd, for which they shall be paid as has been prescribed for the *Maitrise*.

'9. They are expressly forbidden, under any pretext, to dispose of the fines incurred in their Gruries, under pain of suspension, save on their being authorised by the Grand-Master for diligence done by them and extraordinary dues to take what shall appertain to them from the moneys accruing from those on their rolls.

CHAPTER X.—*Of the 'Hussiers Audienceiers,' or Audience Ushers, General Guards, Sergeants, and Guards of the Forests and Woods held in 'Grurie, Grairie, Segrairie, Tiers et Danger,' in Co-proprietorship.*

'*Art.* 1. We have restored, and do reinstate, two Audience Ushers in each of our *Maitrises*, who shall serve alternately every eight days in the Audience Hall, and who shall be substituted, when occasion requires, in

our forests in the place of suspended Sergeants of the Guard, or deceased or disabled to do or perform there the same functions, by order of the Grand-Master, or, in his absence, by order of the Officers of the *Maitrise;* and they shall enjoy the same privileges and exemptions as as are granted to the Sergeants of the Guard, and the same wages in proportion to the time that they serve in the forests in the place of those for whom they are substituted.

'2. None shall be received as Sergeants of the Guard without the testimony of our Attorney in the *Maitrise* to their life and conduct, and who are not able to read and write, even though they may have had experience in time past in the presence of those who may be now officers of the court.

'3. We suppress the *Sergens Traversiers*, Masters, Guards, *Routiers*, and *Sergens Dangereux* in all our waters, woods, and forests, save to provide such indemnity to them as may be reasonable; and in their place we will that there be established General Mounted Guards of our Waters, Forests, Woods in *Grurie*, *Grairie*, *Tiers et Danger*, and held by title of appanage, co-proprietorship, sale contract, and usufruct in the *Maitrise*, who shall wear helmets bearing our arms, that they may be recognisable; and they shall be paid reasonable wages, according to statements which shall be approved in our Council, on the advice of the Grand-Master.

'4. The Mounted General Guards of our waters and forests shall move about continuously in the forests and woods and along the rivers, to keep the ordinary Guards at their duty; following the orders and directions which shall be given to them by the Grand-Masters, each in his department. They shall lend their main force to private Guards; shall make all kinds of captures, and reports to the Masters in the districts in which depredations have been committed, in the same way as other Guards do. They shall be in the suite of the Grand-Master in such numbers and such times as these may think proper. They

shall execute their mandements, judgments, and orders, and those of the Forest-Masters; and generally they shall execute all acts and business in relation to our waters, rivers, forests, woods, and shrubberies, and others aforementioned.

'5. And in place of the *Sergens Dangereux*, there shall be established Sergeants of the Guard of rivers and woods which may be entrusted to them, who shall discharge the same functions as those in our other woods and forests.

'6. The Sergeants shall manifest all assiduity in their wards, and shall not absent themselves from these but for sickness or other legitimate excuse, and after having obtained the permission of the Master and of our Attorney, and after they have commissioned or substituted the nearest Guard, or some other person in their place.

'7. They shall each have a register, numbered, paged, and arranged by the Forest-Master and our Attorney, containing the minutes of their visitations, reports, summonses, and all other acts of their charge, together with abstracts of sales, ordinary and extraordinary, and the compass, quality, value, and state of trees overturned or entangled by the wind, and generally of everything done for or against our interest or service within the extent of their wards.

'8. The Sergeants shall be divided into two bands, who shall appear alternately at the Audience of the *Maitrise* or Grurie, and also at the Assizes when so ordered by the officers, to inform them of the state of their wards, and to present, attest, and cause to be enregistered the reports which they may then have in hand, upon which it is Our will that the officers may condemn to pecuniary fine, although there may be no other proof or information, provided that the accused do not present sufficient cause for challenge.

'9. The Sergeants shall be responsible for the depredations, uprootings, abuses, and damages occurring in their

wards, and they shall be condemned to fines, restitution, and damages as if they themselves had been the delinquents, unless they have reported these, and have themselves deposited their report in the registry of the *Maitrise* or Grurie, two days at most after the misdemeanour has been committed, and unless they have named in their report the delinquents, and specified the places where the wood and trees stolen have been found, or the number and kinds of cattle caught doing damage, and declaring the owners of them.

'10. They shall every three months make a report of the number of boundaries surrounding and marking the limits of our woods and forests, the state in which these are, and that of the ditches and hedges in their ward, and embracing the defects which they may have observed, which report they shall deliver to the Registrar of the *Maitrise*, to be attended to; and on their failing to give advice and necessary information, they shall be held responsible, and shall be punished by fine, dismissal, or both, according as may be judged fit by the officers, respect being had by them to the nature of the deed.

'11. They shall be bound to reside within half a league of their ward, and no one shall henceforth be admitted to office, or continued therein, until he have given good and sufficient security to the amount of three hundred livres, which shall be taken by our Attorney as security for fines, restitutions, and damages to which they may be responsible or condemned.

'12. They cannot trade in wood, keep a workshop or collection of wood in their houses, undertake a sale of wood, or associate themselves with the merchants, or hold a drinking house or hostellery, or drink with delinquents of whom they have the cognisance, under pain of fine of a hundred livres the first time, and a greater with deprivation of office on repetition.

'13. It is permitted to them to carry pistols as well for the protection of their own persons from passengers and carriers as the conservation of our forests; and we forbid

all persons to maltreat them or trouble them in the discharge of their duty, under pain of rigorous prosecution according to our ordinances.

'14. If it be found that they have abused the use of their arms, hunted or shot any game of whatsoever kind in our forests or in the open country, they shall be punished by fine, deprivation of office, or banishment from the forests, or even corporal punishment if condemned thereto.

'15, The General Sergeants and Sergeants of the Guard of our woods and forests, rivers, open country, and reserves, can do no official work but for the waters, forests, and the chase, under pain of being held unfaithful; and we revoke to this extent all letters and duplicates which we may have granted to them.

Chapter XI.—*Of Surveyors.*

Art. 1. There shall be selected and commissioned in each department, a Surveyor, a man of experience and tried probity, to accompany the Grand-Master while he is on his visitations, auction sales, and reformations, and under his orders to make all surveys, measurements, and ordinary verifications, and those of reformation; and two others shall be appointed in each bailliwick or *Maitrise.*

'2. They shall only be accepted on testimony to their good life and behaviour, and they shall, before they enter on their duties, give security of a thousand livres, which shall be taken by the Grand-Master as assurance against abuses or malversations which they may commit in their work. They shall make of all fellings to be sold a figured plan, on which they shall indicate the corner trees, with their marks, the partition and boundary trees, with a statement of their number, quality, and all the marks upon them, the distance from one to another of the corner trees, and the outline of the felling, both in straight lines and in angles, and all the circumstances necessary to serve for the recognisance or conservation of all the trees reserved.

'3. They shall make all the surveys and measurements required in their district, as well as in those held in *Grurie*, *Grairie*, *Tiers et Danger*, and by title of appanage, co-proprietorship, sale contract, and usufruct in the *Maitrise*, in our woods, grounds, and domains, and the same for those of ecclesiastics, communities, and holders of mortmain, together with all that may, for whatever reason, be ordered by authority of Courts of Justice. This they shall do preferentially to all other Surveyors, on pain of nullification of what may be done by others; but with permission to private persons to avail themselves of all acts, measurements, and voluntary deliverances of other Surveyors selected at their option, as may seem to them good.

'4. The Surveyor of the Grand-Master shall be bound to follow him when ordered, and to make by his orders all allocations of sales, surveys, measurements, and verifications, plans, diagrams, determinations of fellings, and recognaisances of bounds, borders, and ditches, and generally all acts pertaining to his profession; and to keep a good and faithful register, of which he shall deposit a duplicate, with plans and diagrams, in the hands of the Grand-Master or the Registrar of the *Maitrise* eight days after the completion of the work, and obtain a receipt for it, under pain of of suspension the first time, and deprivation of office on repetition.

'5. If the Surveyor of a *Maitrise* be sick or absent, the officers shall give advice of this to the officers of the adjacent *Maitrise*, who shall be bound to send their ordinary Surveyors, or one of them, according as may be required. This we enjoin them to do under the same penalty, and it shall be forbidden to our officers to employ other Surveyors than those whom we have provided and commissioned, under pain of nullification and their remaining personally responsible.

'6. They shall be bound to hold a visitation every year of all the ditches, bounds, and boundary trees separating and distinguishing our forests and woods in

which we have an interest, to ascertain if there be anything to complete, change, fell, stop, or transport; and, if it be necessary, they shall make sites of sales and alterations, or replacement of bounds which have been taken away and removed, or which may be awanting, following in this the orders of the Grand-Masters and the formal judgments of the officers; and they shall mark all the allignments of ditches to be made and repaired, of which they shall make a minute on the register signed by the Sergeant of the Guard, and this they shall deliver at the registry of the *Maitrise* within three days after the visit has been made, under pain of suspension for the first time, and punishment on repetition.

'8. If any Surveyor have, by connivance, favour, or corruption, concealed a removal or alteration of boundaries, have suffered, or have himself made, a change in corner trees, he shall, for the very first case, be deprived of office, condemned to a fine of five hundred livres, and be banished for ever from our forests, unless the Officers, under pain of possible loss of office, mitigate or alter the sentence.

Chapter XII.—*Of Assizes.*

'*Art.* 1. The Forest-Masters or their Lieutenants shall hold their Assizes or High Courts twice a year at the customary times and public places, where all the Officers of the *Maîtrises, Gruries et Graries* shall be bound to assist, on pain of a fine of a thousand livres against defaulters without legitimate excuse.

'2. The Chapter relating to Assizes contained in the General Regulations shall be read and published at the entrance and the opening of the Assizes.

'3. The Assizes cannot be prolonged beyond two days, during which the forests shall remain closed; when, if any one enter them, they shall be fined; and if he commit a depredation, he shall be punished as a robber.

'4. Our Attorney shall formulate his complaints against

those who have committed faults, on all which justice shall be done as speedily as possible, parties being heard or duly called.

'5. He shall also remonstrate against abuses which have come to his knowledge, which shall be provided for as each case may require.

'6. There shall be drawn up by the Registrar a register of all that has been required and ordered by the police of the forests, and the masters and officers shall be bound to conform themselves to these presents; and if there be anything requiring explanation or addition, they shall give notice immediately to the Grand-Master and to our Attorney of the Marble Table, for their advice, and that it may be by us attended to.

'7. All sentences and judgments which shall be given during the time of the Assizes and High Courts shall be embodied by the Registrar in his register, and shall be signed by the Master, the Lieutenant, and our Attorney before they separate.

'8. All the reports sent or brought to the Assizes shall be adjudged by the Master in Audience, on advice of the Lieutenant and *Garde-Marteau;* and if there be presented any case requiring a formal instruction, or legal statement of the case, it shall be sent on the first day of Audience to the Ordinary Court of the *Maitrise* to have the formal statement prepared by the Master or his Lieutenant.

'9. The merchants and factors may make complaints against any who have occasioned trouble to them in the exploitation of their purchases, or have been guilty of exaction or violence, on which complaints justice shall be done as shall be made to appear proper.

'10. No officers, workmen, and merchant-factors, or any others who may be obliged to appear at the Assizes, can be condemned without knowledge of the cause or disproportionately to the misdemeanours, or for reasons and motives not embodied in the judgments, excepting that the officers can levy certain sums to be paid: All this under pain of nullification and arbitrary fine.

'11. We forbid to officers who shall hold Assizes to levy, take, or receive any thing in money, presents, or what may be equivalent to such, under pretext of fees and signatures to judgments given, or otherwise in whatsoever form, under pain of charge of exaction.

'12. Eight days before the opening of the Assizes, all the fishermen of each *Maitrise*, summoned by separate notice given to each, or left at their houses by the Sergeant of the Fishery Guard, shall compear to elect Masters of the communities.

Chapter XIII.—*Of the Marble Table and Judges in Final Resort.*

'*Art.* 1. The Marble Tables of our Palaces of Paris and of Rouen, and others, shall give judgment in all civil and criminal processes relating to lands and property in our woods and forests, islands and rivers, woods held in *Grurie, Grairie, Tiers et Danger*, and by title of appanage, co-proprietorship, sale contract, and usufruct in the *Maitrise*, and in all cases which shall be remitted to them by the Grand-Master of Waters and Forests in their departments, subject, however, to appeal to Parliament when the jurisdiction is in a case subject to appeal.

'2. They shall take cognisance also of all appeals from sentences and judgments pronounced by the Officers of *Maitrises* and other inferior Judges of their district, as also of judgments given by Seigneurial Courts in matters concerning the waters and forests; but we expressly forbid them to supersede the execution of judgments rendered for depredations, malversations, confiscations, and dismissals appealed to them, under pain of suspension and arbitrary fine.

'3. The appeals of Grand-Masters, their Lieutenants, and other Officers of the Marble Tables, shall be taken up and adjudged in our Courts of Parliament in the ordinary manner in cases which it shall not be competent for the established Judges to decide without appeal.

'4. If, however, there be an appeal from a judgment given in one of our *Maitrises* touching the land of our woods and forests in *Grurie, Grairie, Tiers et Danger*, and by title of appanage, co-proprietorship, sale contract, and usufruct in the *Maitrise*, we will that it be taken direct to our Courts of Parliament to which it pertains, and that without passing through the intermediate Court of our Marble Table.

'5. All appeals from judgments relating to usages, abuses, depredations, and malversations committed in our waters and forests, or in those of our subjects, shall be judged in the Court of the Marble Table, established as Court of Final Appeal, and that even though it should issue in a sentence of Court-death or of capital punishment, or of any other punishment whatsoever.

'6. The Grand-Master can assist in all audiences, judgments, regulations, and deliberations which shall take place at sittings of the *Tables de Marbre;* shall preside there in the absence of the Judge, *en dernier ressort*, and shall have a deliberative vote; and all acts, sentences, and judgments which shall be given there shall be entituled by the name and quality of Grand-Masters, whether they be present or absent.

'7. We leave our Attorneys free to prosecute in the localities before our Officers of Waters and Forests, or to bring before the Grand-Masters, or before the Courts of the Marble Tables, the communities or individuals whom they allege to have encroached or usurped on our waters, rivers, woods, and forests, and other property to which we lay claim; on condition, however, that the Officers of the Marble Table shall send down all the instructions to the Court of the *Maitrise,* or to the nearest one, unless they see fit to retain them, or to commit to one of their number to prepare the instructions or go down and make inquest in the locality.

'8. The Lieutenants and Officers of the Marble Table cannot undertake any reformation if they have not been commissioned to do so by us or by the Grand-Master; but

always in any case requiring immediate action, and the Grand-Master happening to be more than ten leagues distant from the jurisdiction in which the disorder has occurred, they may draw up legal instruction, after having made attachment and given interlocutary judgment, though they have no power to pass a definitive judgment excepting in the presence of Grand-Masters.

'9. Also they cannot decree on simple minutes or instructions drawn up by Ushers and Sergeants, nor give or address their commissions to other than to the Officers of the *Maitrises*, or to other Judges-Royal in places where there are no Courts of the Waters and Forests, on pain of nullity, and responsibility for the loss and damages of the parties.

'10. Neither can they, when it so happens, decree or summon, on report of charges, minutes or informations by commissioned officers, or oblige the parties to compear before the Courts of the Marble Table, to be heard, and to proceed to verification of testimony confronting the parties; but they shall be bound to send the instruction to the same Officer who drew up the instruction or to another on the nearest *Maitrise*, if there be cause of suspicion or complaint, to carry out the process to a definitive conclusion, under pain of nullification, and payment of expenses, loss, and damage of the parties.

'11. The Forest-Masters, the Lieutenants, our Attorneys and the Gardes-Marteaux, shall receive at the Courts of the Marble Table the information concerning their life and conduct in the localities, previously lodged by the Grand-Masters or other Officers of the Waters and Forests commissioned by him; and there shall be paid to cover all expenses, fees, and dues, twelve livres to the Judges, eight livres to our Attorneys, and a like sum to the Registrar, and six livres to each of the Ushers, and that is for all acts and business done in the case, it being expressly forbidden to the Officers of the Marble Table to take a larger sum, or receive any present under any pretext whatever, under pain of prosecution for exaction.

Chapter XIV.—*Of Appeals.*

'*Art.* 1. Appeals from Gruries cannot be carried directly te the Marble Table; but they must necessarily pass through the *Maîtrise*, where they shall be at once definitively settled.

'2. They shall be sent up or remitted, and prosecuted within a fortnight after sentence is pronounced, otherwise the sentence shall be executed provisionally; and a month being allowed to pass without appeal or further prosecution of the case, this sentence shall have the force of a matter decided in the Court of Final Appeal.

'3. Appeals from Forest-Masters shall be carried immediately to the Courts of our Marble Table within a month after the sentence has been pronounced or notified to the parties, and it shall be put in a state to be adjudged within three months from the pronouncing or announcement of the sentence, otherwise the sentence shall be carried out as final whether there have been an appeal or not; to which effect we enjoin on the Judges of the Marble Table that they shall be charged to make a report within one month, as covering all delay, after they have disposed of them, under pain of being themselves responsible.

'4. Always, if the sentence contain any punishment, personal or infamous, the right of appeal shall not expire for twenty years, but after the expiry of the aforesaid three months it shall be executed in regard to pecuniary penalties and civil condemnations, without being open to any change in regard to these.

'5 Appeals by the Grand-Masters or their Lieutenants from the Marble Table cannot be carried elsewhere than to our Courts of Parliament; and We will that the time for carrying and deciding these shall be the same, both in civil and criminal cases, as has been prescribed for Forest-Masters; otherwise that the sentences be executed in the form and manner settled in the preceding article.

'6. All interlocutory judgments pronounced by the

Grand-Masters or Forest-Masters shall be executed without prejudice to appeal both in civil and criminal cases, notwithstanding that the judgment may afterwards be pronounced incompetent, provided always that it be a sentence which can be repaired in the definitive judgment.

'7. The definitive judgments and sentences of Grand-Masters, which do not exceed two hundred livres in principal, or twenty livres of interest, and those of Forest-Masters not exceeding one hundred livres, or ten livres of interest shall be executed provisionally, without prejudice to appeal.

'8. Appeals from the Gruyers and other officers of private seigneurs, in regard to waters and forests, shall be carried direct to the Courts of the Marble Table, and execution stayed till their definitive sentence be given.

'9. All appeals from sentences given in Audiences, and on minutes of visitations, and on reports, shall be pleaded in the Audience of our Courts of the Marble Table; but if they embrace questions of law, the parties shall conclude their appeal as in process by writing.

'10. We premit to parties at their choice to carry their appeals by letter or by petition.

Chapter XV.—*Of Fellings*, '*Ballivage*,' '*Martellage*,' *and the Sale of Woods.*

'*Art.* 1. There can be no sale made in our forests, woods, or thickets, excepting in accordance with the regulations which shall be ordered in our Council, or in letters patent, formally and duly registered in our Courts of Parliament and *Chambre des Comptes*, under penalty of restitution of four-fold the value of the wood sold, against the purchasers, and against the officials ordering such sales, the loss of their office.

'2. The auction sales of our woods, whether timber, forest, or coppice, can in future only be made by the Grand-Masters, it being forbidden to the Officers of *Maitrises* to acknowledge other persons, on pain of being made responsible in their names.

'3. All adjudications or auction sales of our woods, be it timber trees or coppice, shall be made in the Audience Halls in which are held the ordinary Courts *Des Eaux et Forêts*, and they cannot be held elsewhere, under pain of being held null and void, and a penalty of ten thousand livres against the Grand-Master, or any other who shall have contravened this law.

'4. The Grand-Masters shall every year, before the auction sales of our woods, make a visitation of the lots appointed to be sold, in making which they shall be accompanied by the Surveyor thereto appointed, to whom they shall point out the woods to be allotted for sale in the following year; and they shall mark out for him in what form the boundaries shall be made for our greatest profit and advantage, of which they shall prepare an official report, which shall be signed by the Forest-Master or his Lieutenant, our Attorney, the Garde-Marteau, and the Sergeants of the Guard. A copy of this shall be delivered to the Surveyor to serve as his guide, and to this he shall be bound to conform himself, under pain of suspension or declaration of his incapacity for the office; another shall be sent to the Record Office of the *Maîtrise*, and fifteen days after his return to the principal town of his department, he shall lodge a general statement of all the allotments in the Record Office of the Marble Table for reference.

'5. Every year the Grand-Master shall make a copy of his mandements and ordinances for the allotments of the ordinary sales of our woods and forests, conformably to the regulations ordered in our Council, where he shall enter the number of *arpents* or acres, and the kind of wood to be sold; and in which he shall designate in detail the wards and triganometrically measured lots, one or more of which may be embraced in a ward, so far as shall be practicable, following the observations which shall have been made in the official reports after visitation, which he shall send to the Officers of the *Maitrise*, before the first of June in each year, who shall be bound forthwith to assemble and together

devote a day to the making the allotments, which shall be done in their presence by the Surveyor.

'6. The Surveyor shall make, in presence of the Sergeant of the Guard, the lanes and trenches required for the boundary; shall mark with his stamp as near to the ground as he can, such a number of corner trees, and division and partition trees marking the angles and connecting lines of the boundaries, as he shall consider sufficient, with indications of the side on which he shall have imprinted his stamp, the royal stamp, and that of the Grand-Master. He shall make mention of the fact if he have so imprinted any trees for corner standards, and of their age, quality, nature, and size, and of their distance from one another in poles and feet; as also he shall observe the names of the sales in which they occur, if there be any void spaces and their areas; he shall be required to avail himself of at least one of the corner trees of the former sale; and he shall prepare plans and diagrams of the place which he shall have portioned out; and of all this he shall make his official report, which shall be signed by the Sergeants and Guards, and he shall place a copy of it in the Registry of the *Maîtrise* three days after having made it, which shall be initialed by the Forest-Master and our Procurator, with mention of the day on which it shall have been delivered, and another copy of it shall be by him sent forthwith to the Grand-Master.

'7. We forbid Surveyors and Sergeants to make roads exceeding three feet in breadth, for the passage of the bearers of measuring poles, and of merchants who shall go to see the sale lots, under pain of a hundred livres of penalty, and the restitution of double the value of the wood felled.

'8. The wood felled in the lanes and trenches cannot be taken away, but shall remain for the profit of the purchaser, and shall appertain to him without either the Surveyors or the Sergeants being able to claim any portion of it; to them it is forbidden to take it away under pain of a hundred livres penalty and suspension, and to adjacent

proprietors it is forbidden under any pretext whatsoever, under pain of exemplary punishment.

'9. The trees marking the margin and the side of the plot shall be marked with the royal stamp and the stamp of the Surveyor on one side, differing in this from the corner trees, which shall be marked on each side facing a lot for sale.

'10. The Surveyors can neither measure more nor less in each *triage* than that which shall have been prescribed to them by the Grand-Master for allotment, under pretext of rendering the outline more regular, or for any other consideration whatsoever, to such an extent that the reduction or addition shall exceed one arpent for twenty, or in this proportion, under pain of suspension and an arbitrary fine, to be determined by the Grand-Master; and if three times such an error have been committed by him, he shall be discharged and declared incapable of acting as Surveyor.

'11. The official report of the Surveyor being in the Registry, he shall cause it to be delivered in like manner to the Garde-Marteau for the *martellage* or marking of the trees, which he shall make in presence of the Officers of the *Maîtrise*, and to this effect the royal stamp shall be delivered up to the Garde-Marteau by those who have the keys, and he shall proceed with the officers to the *triages* in which the sales shall have been allocated, and by their advice he shall select ten trees in each arpent, of lofty growth, of great vigour, and of fine proportions, of oak, and if possible of good wood and competent size, which he shall mark as *balliveaux* or reserved trees with the royal stamp, and together with them the corner trees and the trees marking out the boundary, and forthwith after the *martellage* the stamp shall be brought back and shut up in its case.

'12. When the auction sales of fellings in our woods have been made, all the *balliveaux, ancients et modernes*, or reserved trees of older growth, those newly marked, and those reserved in former fellings which are therein, to

be reserved with those of older growth; and if it shall be found that the *balliveaux*, by their size and quantity, hinder by their shade or otherwise the coppice-wood from shooting and making growth, the Grand-Masters shall prepare official reports on this, which they shall send with their opinion to our Council through the Comptroller-General of our finances, that there may be provided by us what may be appropriate in the case.

'13. No wood shall be given as *remplage*, filling up, or compensation under pretext of void spaces, and of roads which shall be found in the purchase; but the sales shall be made of the woods in the condition in which they shall be found, under pain of fourfold restitution against the merchant who shall have obtained the *remplage*, and of three thousand livres fine, with deprivation of office against the Officers who shall have given it.

'14. The purchases cannot be changed in whole or in part, under any pretext whatever, after the auction sales, on pain of exemplary punishment against the Officers, with deprivation of office, and of restitution fourfold of the price of the purchases changed, together with penalty against the merchants, without the possibility of this penalty being moderated under any pretext whatever.

'15. We revoke dues *de cire et de Greffer*, or charges for sealing and recording the purchase; but the sales of our woods shall be made in future subject to the sole charge of payment of one sol *per* livre by the purchaser into the hands of the Receiver-General or Special Receiver of Woods, if there be such an Officer, or otherwise of the Domain; out of which sum shall be paid the dues and claims of the Officers of *Maitrises* and *Gruries*, according to allotments of these, which shall be ordered by the Grand-Masters, on which, and the receipts of the Officers, the amounts shall be passed and allowed in the accounts of outlay by the Receiver.

'16. If the amount of one sol *per* livre prove insufficient, the Grand-Master can take the supplement out of the proceeds of sale, but so that the Officers receive nothing

excepting by the hands of the Receiver, under pain of fourfold restitution and suspension from their office.

'17. The days for the auction sales having been intimated by the Grand-Masters to the Officers of the *Maitrises*, they shall cause announcement of them to be made, and our Attorney shall be bound to send forthwith to the usual place proclamation bills stating the number of *arpents*, the situation, the quality, the reserves, the day, the place, the hour, and before whom the sales shall be made.

'18. The day following such publication, the Hussiers and Sergeants who shall have been engaged in making the publications and posting the bills, shall be bound to deliver to our Attorney official reports signed by them and by their *Recors* or assistants, with the certificates of the curés and vicars of the parishes, to be produced and credibly avouched before the auction of the sales, in presence of the Grand-Master, or of the Commissioner who shall have been deputed to attend thereto; and the curés and vicars shall be bound to give their certificates free of charge, under pain of a hundred livres penalty, payable by seizure of their temporalities.

'19. There shall be at least eight free days between the final publication and the auction.

'20. All persons shall be allowed to bid; if, however, a bidder be notoriously insolvent, the Receivers of our woods and of the domain can demand of him the names of his cautioners; and if he have none, the Receiver shall at the sale give his opinion or advice to the Grand-Master to arrange in the case as by him shall be considered well.

'21. There cannot in future any Ecclesiastics, Gentlemen, Governors of cities and places, Captains of chateaux and Royal mansions, the Lieutenants and Officers of these, Magistrates of Police and of Finance discharging the duties of Judges or of Attorneys in our Courts of Justice, become purchasers, directly or in concert with others, of the sales which shall be made of our woods, either in whole or in part, nor can they take reconveyance of these, or become

security and caution for purchasers under their own name or under that of other persons interposed, under pain of confiscation of the purchases, or of the price for which they have been made, and of forfeiture of their privileges, and their being declared plebians, and subjected to the *taille* or tax levied on villains, or those holding land by servile tenure; and under pain of deprivation of office against our Officers who shall have made and consented to the sale, or suffered the *exploitation*, or the felling and the disposal of the produce of the wood, with even greater pains and penalties, if so happen.

'22. We forbid in like manner to the Officers of our Forest and of the Chase, both those of the *Maitrises* in which the sales take place and all others in whatever department they may be, without distinction, and to their children, sons-in-law, brothers, brothers-in-law, uncles, nephews, and cousins-german, to take part in the auction sales, be it as principals, associates, securities, or cautioners, under pain against the officials who may be purchasers, of the confiscation of the purchase and deprivation of office, of fine to be determined at the time, and banishment from the department of the *Maitrise* in which they shall have their residence, and against their relatives and allies of like pain of confiscation and arbitrary fine.

'23. Neither the merchants, purchasers, nor other individuals, of what quality soever they may be, can make any secret combinations, or hinder, by indirect ways, the biddings for our woods; and when they shall be convicted of monopoly or combination or agreement between them by word or writing not to bid against one another, We will it that besides the confiscation of the purchases, they shall be condemned to an arbitrary fine, which shall not be less than a thousand livres, and to banishment from the forests.

'24. The purchaser cannot have more than three partners, the names of whom he shall be bound to lodge in the Registry of the *Maitrise* in the week of the auction, and to lodge therewith a copy of their contract of co-

partnery, and there to make, he and his partners, their engagement to fulfil all the conditions of sale, under pain of penalty of a thousand livres against him, and of forfeiture of partnership against his partners.

'25. It shall be free to the merchants to revoke their biddings at the Registry of the *Maitrise* the next day after the auction, at noon, causing it to be intimated in the meantime to the preceding bidder at the domicile given by him, and to the Receiver, to whom they shall pay in cash the bidding revoked.

'26. In case of a bidding having been revoked, the preceding bidders shall be one by one successively put in the room and place of those who have revoked their biddings; and all persons who shall have bidden shall be held to have chosen a domicile in the place in which the auction sales shall be held, both to render valid the deeds which should follow the auction and for the execution of their biddings, revocations, and adjudications, and biddings of a third or of half a third sum, and of all other deeds and acts which it may be necessary to execute; in default of which choice having been made, assignations to them shall be made at the Registry of the *Maitrise*, which shall be considered valid.

'27. If a merchant purchaser withdraw from the bidding, and renounce the purchase, he shall be arrested until he shall have paid or given good caution for his abandoned bidding, and the purchase shall revert to the preceding bidder, and successively from one to another, as has been prescribed above.

'28. The auction sales shall be signed on the spot by the Forest-Merchant, Grand-Master, or him by whom the auction has been held, together with the Forest-Master, our Attorney, and the other Officers of *Maitrise*, in the register of the Registrar immediately at the bottom of the deed, and without leaving blank space between the text of the deed of sale and the signatures; and each of the sheets on which are copied the acceptance of biddings and sales shall be initialed by the Grand-Master.

'29. The merchant-purchasers shall be bound within eight days after the auction sales, before making use of their purchase, to provide good and sufficient security, and a cautioner, who shall be accepted by the Receiver, or, on his refusal, by the Forest-Master and our Attorney; and they shall bind themselves conjointly to pay into the hands of the Receiver of our woods, if there be such, or of the Domain, the principal of the price in two equal payments, which shall be done at the time specified in the conditions of sale; and, further, to fulfil the other burdens, clauses, and conditions there mentioned.

'30. The Receiver shall be bound at the end of the eight days to cause to be notified, without delay, and by day, to him who gave the pen-ultimate bidding that he is substituted in the room and place of the purchaser who shall have failed to give caution, and that from that moment the purchase is at his charge.

'31. All persons not prohibited may bid a third or half a third sum for the whole of the *triages* generally, or for each in particular as they shall have decided on the next day at noon after the day of auction sale; after which time there shall be no room for *tiercement* and *doublement* under any pretext, or for any consideration whatsoever.

'32. The *tiercements* and *doublements* shall be made at the Registry at the time specified above, and notified the same day to the purchasers and receivers by word of mouth to them personally, or at their domicile, if they have made choice of one, if not at the Reegistry of the *Maitrise*, by writ, which shall state precisely the hour at which it has been served, and the name of those to whom the Sergeants shall have spoken it, under pain of the writ being made null.

'33. The *tiercement* is a bidding which augments by a third the price bidden at the auction, and constitutes thus a fourth of the sum thus bidden; and the *demi-tiercement* is another bidding above the *tiercement*, which is a half of the third, so that if the price at the auction be fifteen hundred

livres, the *tiercement* will be five hundred livres, and the *demi-tiercement* two hundred and fifty livres.

'34. We enjoin on the Registrars to mark the day and hour precisely in the deeds which they shall prepare, and deliver on the adjudications, *tiercements*, and *doublements*, under pain of three hundred livres of fine, and all expense, damages, and loss for the first time; and for the second, like compensation for penalties, with deprivation of office.

'35. The *demi-tiercement* can only be received in advance of the *tiercement*, but there may be made in one bidding the *tiercement* and the *demi-tiercement*. This it is which is called *doublement*, which being notified in the way above prescribed to the last bidder, he shall be allowed to make a simple bidding in advance of this, and on this bidding he, and the *tierceur*, and the *doubleur* shall be received to vote one against another between themselves alone, and the purchase shall rest with the highest bidder without further disturbance; all which shall be done before the Grand-Master, or the Commissioner who shall have held the auction, if they be present; if not, before the Officers of the *Maitrise*.

'36. After the merchants shall have produced their securities and cautioners, the Receiver shall give them their certificates to be presented and to be registered in the Registry free of charge—a copy of which shall be put into the hands of the *Gardes-Marteaux*, to whom and to the Officers it is forbidden to suffer any fellings to be commenced, in regard to which they have not seen, and seen registered, the certificate of the Receiver, under pain of having to answer for the same in their own name and person.

'37. The purchaser of timber trees in our forests, of which they make use in work, shall be bound to have a stamp, an impress of which shall be deposited in the Registry, to mark the wood which he shall sell standing, without his having power to sell wood of this quality without having this mark, and to have for himself, or his factors, or *Gardes-Ventes*, a register, in which shall be

written the names, surnames, and domiciles of those to whom he shall sell wood, and the quantity and the price, under pain of a hundred livres fine, with confiscation; and this without several partners having more than one stamp, or marking other trees than those of their purchase, under pain of being punished as forgers.

'38. If, however, a merchant hold many purchases, and on account of the distances of the places from one another he be obliged to keep different registers, in that case he may have as many stamps as registers, and those of the same mark, provided he have caused to be made an official report and an imprint, as is said above.

'39. The Factors and *Gardes-Ventes* appointed by the merchants for the using up and sale of their purchases shall make oath between the hands of the Grand-Master, the Forest-Master, or of the Lieutenant, without expense or dues; they shall make report of offences which may have been committed, within the bounds of their purchases or circumjacent ground, which they shall cause to be signed by two witnesses, or attested, if they cannot sign, before one of the Judges of the *Maitrise*, under pain of its being declared null; and if the offence have been committed by night, by fire or by saw, this official report shall be valid testimony after having been verified by oath, which official reports they shall lodge in the Registry, and receive the certificate of the Registrar of this having been done, at latest within three days after the offences have been committed; and doing this the merchants shall thereby be discharged of responsibility, and the delinquents shall be condemned *au pied le tour*, together with other offences, by the Officers of the *Maitrise*, at the suit of our Attorney, within eight days after the day on which the report was made; all this under pain of being held personally responsible.

'40. The woods, both timber and coppice, shall be cut and felled by the fifteenth day of April, and the time of *vuidance*, or bringing out the produce, shall be regulated by the Grand-Master according to the *possibilité* or yield

of the forests, under pain of arbitrary fine and confiscation of the merchandise against the purchaser, and this without the Officers being able to grant any prolongation for the felling and *vuidance* under like pain of arbitrary fine and deprivation of office.

'41. If, however, the merchants be obligated by just considerations to ask some prolongation of time to fell and bring out the purchases, they can do so in our Council, that in the report of the Comptroller-General of our Finances there may be made provision for this on the advice of the Grand-Master.

'42. The timber forests shall be cut as low as this can be done, and the coppice wood felled by axe, level with the ground, without there being any splints or splinters, so that if possible the stems of the shoots may not spring from above the level of the ground, and that all the old knobs covered up and caused by previous fellings may disappear.

'43. The trees shall be felled in such a way that they fall on the purchase, without damaging the trees remaining, under pain of damage and loss against the merchants; and if it happen that the trees shall remain and rest *encronés*, or entangled in the boughs of another tree, the merchant cannot cause to be felled the tree upon which it has fallen without the permission of the Grand-Master or of the officers after having provided for our indemnification.

'44. The wood of shoots shall not be felled or cut with the bill-hook or saw, but only with the axe, under pain against the merchants who exploit them of a hundred livres of fine, with the confiscation of the merchandise, and the implements of the workmen.

'45. We enjoin on the purchasers to cause to be cut or cut over as near to the ground as possible, all stumps of stolen, damaged, and destroyed trees in their purchases, and to the officers to keep an eye on this, and lend a helping hand in this, under pain of suspension from their office.

'46. If, during the using up of the purchases, any of the reserve trees be torn or borne down by the winds and storms, or by other accident, the merchants or their factors shall leave them on the spot, and give immediate advice of it to the Sergeant of the Guard, who shall be bound to notify the Garde-Marteau to betake himself immediately to the place in order to prepare an official report in regard to it, which he shall present immediately to the Officers of the *Maîtrise* that others may be marked, all without expense.

'47. The time for felling and *vuidance*, or bringing out the wood, specified in the conditions of sale, being expired, if there be wood on the purchase site felled or standing, this shall be confiscated to our profit, and what is lying forthwith transported out of the forest.

'48. The merchant-purchasers cannot include in their purchase other woods than those which have been specified, under pain of being punished as having stolen the woods so included notwithstanding our prohibition.

'49. No merchant nor other person can cause work to be carried on by night, nor on holidays, in the purchases which are being felled—nor take and carry out wood, under pain of a hundred livres of penalty.

'50. Before exploiting the purchases, the merchants can cause to be made, in presence of the Forest-Master, in presence of the *Garde-Marteau*, and of the Sergeant of the Guard, a *souchetage*, or survey of the stumps, by two experts, of whom one shall be appointed by our Attorney of the *Maîtrise*, and the other by them, by whom shall be prepared an official report without expense or fees, under charge of exaction, reserving the day's wages of the *Soucheteurs*, which shall be determined by the Master, and paid by the Sergeant-Collector of Penalties; in which official report shall be inserted the number of stumps which have been found, their quality and size; and it shall remain in the Registry of the *Maîtrise* for reference, and it shall afterwards serve in case of re-survey.

'51. The merchants shall remain responsible for all

depredations which shall be committed within hearing of the axe in the environs of their purchases, estimated for woods of fifty years' growth and upwards at fifty poles, and twenty-five poles for those of fifty years and under, if the merchants or their factors do not report them.

'52. The transport, passage, carriage, or flotage of the wood by land or water cannot be hindered or stopped under any pretexts of rights of way, transport dues, pontonage, or other, by any private person whatever, under pain of answering for all expense, damage, and loss of the merchants, save by those who claim to have rights to levy dues, which they have brought before the Grand-Master, and shown him that these pertain to them.

Chapter XVI.—*Of 'Recollemens,' or Re-surveys of Fellings after the Fellings.*

'*Art.* 1. The *recollemens* of all the purchases shall be made at latest six weeks after the time for clearing away and bringing out the produce has expired by the Forest-Master, in presence of our Attorney, the *Garde-Marteau*, or Keeper of the Stamp, the Registrar, the Sergeant of the Guard, the Surveyor, and the *Soucheteur* who shall have made the survey and the *souchetage* or enumeration and specification of existant stumps, and of the Lieutenant, if so seems to him good, but without his interfering, excepting in the absence of the Forest-Master; and to this end the merchant-purchasers shall be summoned eight days before to meet on that day with other Surveyors and *Soucheteurs*, to make the new survey and *souchetage* of the purchase.

'2. When the Surveyors and *Soucheteurs*, with those first employed and those who have been appointed specially for the verification, shall have arrived on the ground, the official report of the felling to be sold, of survey, of *ballivage*, or specification of reserved trees, and of *souchetage* which shall have been made for the auction sale shall be produced, and they shall reconnoitre the trees reserved by the official reports and by the conditions of sale; and to

this effect the Officers shall inspect carefully the purchases from end to end in all their parts, the *pied cornieres, parois, lizieres and balliveaux*, or trees marking the angles, the sides, and the margins of the allotment, and the trees reserved for seed, so as to see that the lots have been well cut, treated, cleared out, and freed of all encumbrance, of which they shall prepare their official reports, containing details of encroachments, malversations, defaults, and defects which they may have seen, and of any deficiencies of trees retained by the official reports of *martellage* and *ballivage*.

'3. Our Attorney in the *Maîtrise* shall appoint on his part a Surveyor and *Soucheteur*, and the merchant also a Surveyor and *Soucheteur* on his part. But if the merchant raise difficulties, or refuse to attend the meeting, it shall be proceeded with by the Surveyor and *Soucheteur* appointed by our Attorney, and the report shall be considered and held as if made in the presence of the adverse parties.

'4. The *souchetage* shall be extended to the environs of the purchase within the sound of the axe. This shall be done in presence of the merchants, if they be willing to take part, and of our Attorney, the Garde-Marteau, and the Sergeant of the Guard, who shall prepare their official reports containing details of the stumps which they shall have found, and of the depredations which may have been committed during *exploitation*, tree by tree, with mention of their quality, nature, kind, and size, all omissions being forbidden under pain, against the *Soucheteurs*, of fourfold the value of the depredations which they have not reported in their official reports, which official reports they shall be bound to lodge in the Registry within twenty-four hours after they shall have been made.

'5. The official reports of the second *souchetage* shall be examined and collated with those of the first, and any difference which shall be found between them shall be noted minutely and in detail; to which effect there shall be produced all the official reports of exoneration which shall have been made for the merchants and their factors, and there shall be observed any defaults and malversations

which may be found to have been committed in the course of the use and exploitation of their purchases, of which they have not been validly exonerated.

'6. The official reports of re-survey shall contain exactly the quantity of *arpents* and of poles which the Surveyors shall have found in the purchase re-surveyed, and if they find any encroachments or extensions beyond the *pieds corniers*, they shall measure them, make an exact description of them, and distinguish them in the diagram which shall be prepared by them.

'7. After that our Attorney in the *Maîtrise* shall have taken cognisance of the official reports made by the Officers, Surveyors, and *Soucheteurs*, he shall state in writing the conclusions to which he shall have come in relation thereto, and shall cause these to be notified to the merchants, who shall be bound to give an answer in writing in three days; and the whole shall be lodged in the Registry, and adjudged at the first Audience or hearing at the Court by the Forest-Master, with the Lieutenant and the *Garde-Morteau*, without the Officers being able at the close of the Court to claim any dues or other fees than those which shall be allotted to them by the Grand-Master, to be taken out of the sol *per* livre, under pain of bribery.

'8. If by the official reports of re-survey there be found in excess of what had been stated between the *pieds corniers*, the merchant shall be adjudged to pay for this in proportion to the original price and the charges of the purchase; and if there be found to be a deficiency, there shall be a reduction made in proportion from the amount of his bidding, or he shall be reimbursed in cash on the purchases of the following year, without its being permitted to give compensation in wood, or to make compensation in kind for excess or deficit.

'9. If there be found any encroachment or extension beyond the *pieds corniers*, the merchant shall be condemned to pay fourfold the rate of the highest sum of his bidding, in case that the wood cut by him shall be of the same

kind of tree as that of the purchase; and if it be of a better kind, quality, or age, he shall be bound to pay that penalty, and to make restitution *au pied le tour*.

'10. The purchaser who shall fail to exhibit *balliveaux*, corner trees, or boundary and partition trees left in his charge, shall be bound to pay for them as is said in the chapter on Penalties.

'11. All merchant-purchasers shall be bound at the end of the exploitation of their purchases to deliver the stamps of which they have made use, to be broken.

'12. If by the judgment which shall be given the discharge of the Court shall be granted to the merchants, our Attorney shall cause the same to be delivered to the Garde-Marteau, in order that he may put the lot in charge of the Sergeant, and in case there be only a penalty or pecuniary fine, he shall be bound to cause delivery of copies to be made to those who are charged with the recovery of our monies; and if the judgment carry any condemnation against the merchants or others, he shall be bound to prosecute these to their execution, under pain of being personally responsible for the same.

Chapter XVII.—*Of Sales of Windfalls and of Wood in Small Parcels.*

'*Art.* 1. If there be found any trees injured, uprooted, or broken over by the force of the wind, or by any other accident, the Sergeant of the Guard shall prepare a minute of this in his register, stating the quality, kind, and size of them, and the place where they have been found; and he shall state whither in falling they have injured or broken any others by their fall. Of this he shall be bound to lodge a copy, under his seal, with the Registrar of the *Maîtrise*, within three days, and for this he shall take a receipt from the Registrar, under pain of fifty livres fine.

'2. The Garde-Marteau and the Sergeant of the Guard shall see to the preservation of the wood of windfalls, and prevent this being taken, carried off, or lopped by usagers

or others, whoever they may be, under pretext of use and wont; and in case of their meeting with any felled trunks or loppings, they shall make their report of these the same as if they had found them felled standing; and the Officers shall pass sentence according to the loss sustained in the future as well as the present, under pain of arbitrary fine, and being answerable in their own name.

'3. As soon as the Officers shall have been advertised of this, they shall proceed to the localities, accompanied by the Garde-Marteau and the Sergeant of the Guard, with his minute, to see the trees of the windfall, and see if the report of the Sergeant be correct, and the wood shall be marked with our marteau, under pain of arbitrary fine, and their being held personally responsible.

'4. The trees of a windfall cannot be laid aside or trimmed under pretext of being cut up for sale and to be debited to our advantage at some other time, but they shall be sold forthwith in the state in which they are found, and the auction shall be held by the Grand-Master in the Audience Hall of the Justiciary of Waters and Forests by extinction of candle, after two announcements of sale have been made in the Audience Hall, or in the market of the place, and at the sermon of the mass by the curés of the parish of the Court of the *Maîtrise*, and of the towns and villages of the environs of the forest; and to this end proclamation bills shall be sent, and shall be affixed so as is prescribed for ordinary sales; and the time allowed for clearing away the wood when bought shall be one month at most, under pain of nullification, and of confiscation of the wood bought.

'5. We forbid to the Garde-Marteau to mark, and to the Officers to sell, any trees under pretext that they would have been split or stripped of branches by the fall of the windfalls; but we will that they be preserved, under pain of arbitrary fine.

'6. Immediately after the sales of windfalls, and the auction of small parcels of wood, there shall be prepared a statement of these to be within eigh t days delivered by

the Registrar to the Receiver of the Woods, if there be one, or otherwise to the Receiver of the Domain, who shall give a receipt for the same.

'7. The fees of the Officers and of the Registrar for the sales of windfalls and stolen trees, as well as for recognaisances and for martellages, shall be determined by the Grand-Masters when they are present, according to the trouble and the time consumed, and be levied on the fines and proceeds, of which recovery shall be made by the Sergeant-Collector; in order to this they shall present to them their minutes, ordinances, and other documents; and the proceeds of sales shall be paid in to the Receiver, and by him to the Receiver-General, and their fees, as well as the principal price received of our woods, shall be comprised in the statement of the recovery made.

Chapter XVIII.—*Of the Sale or Letting by Auction of Pannage, Mast, and Pasturage.*

'*Art.* 1. When there shall be a sufficiency of acorns and beech-nuts to allow of a sale being made, without injury to the forests, the Forest-Master or the Lieutenant and our Attorney shall visit the spot, and in presence of the Garde-Marteau, and of the Sergeant of the Guard, they shall prepare a minute of the number of hogs which may be put on pannage in the forests of the *Maîtrise*, with a statement also of the number which may be placed there by usagers and the officers; and there shall be made on the spot by the Grand-Master a tax for their salaries to be paid out of the fines and other monies recovered by the Sergeant-Collector, on their simple quitance, which tax shall be in accordance with the ordinances, and the amounts shall be allowed.

'2. The auction sale shall be held at the Audience Hall before the fifteenth of September by extinction of candle, and to the highest and last bidder, after publication of the same as is done in sales of windfalls, with express charge to the purchaser to make payment into the hands of the

Receiver according to conditions of sale, caution being given, and recognition by the auction-purchaser of the number of other hogs which shall have been determined, both in regard to those of officers and those of usagers.

'3. The ground shall only be open from the first of October to the first of February; and neither the usagers, nor the officers, nor the lessees shall put in hogs in greater numbers than was specified at the sale, and this after having branded them, and deposited with the Registrar the stamp used, under pain of a fine of a hundred livres, and confiscation of all in excess of that number or found marked with a false brand.

'4. We forbid all persons other than those specified in the statement which shall be issued by our Council, to send or put their hogs on the acorn grounds of our forest, unless they have the authority of the auction purchaser, under pain of a fine of a hundred livres and confiscation, one half to go to our treasury, and the other half to the auction purchaser; and the owners shall be responsible for all that may be done by their swine-herds.

Chapter XIX.—*Of the Rights of Pasturage and Pannage.*

'*Art.* 1. We permit to communities, inhabitants, and private persons designated Usagers in the statement sanctioned by our Council, to exercise their rights of pasturage and pannage for their hogs and black cattle in all our forests, woods, and shrubberies in the places which have been declared by the Grand-Masters on their visitations, or on advices received by them from the Officers of *Maîtrises*, to be capable of enclosure, and on all the lands and heaths of our domains.

'2. The inhabitant usagers shall make a declaration of the number of kinds and quantities of the beasts which they possess or hold on hire; in regard to which last there shall be a list, containing the names of those to whom they belong, which declaration and list shall be taken to the

Court of the *Maitrise*, to be transcribed into the register which is kept by the Registrar, and paraphed by the Master and by our Attorney.

'3. The Officers shall assign to each parish, hamlet, village, or community, being usagers, a particular spot of land, the most convenient possible, to which, and in enclosable places only, the cattle may be taken and guarded apart, without their intermixing with herds from other places, under pain of the confiscation of the cattle, and of arbitrary fine against the usagers, and privation of office against the Officers who may permit or suffer the contrary to take place; and all deliverances thereanent shall be made without expense or any claim of dues, under pain of charge of exaction.

'4. The declaration of the locations, and of the liberty to send cattle there, shall be published after sermon in the morning Mass of the usager parishes on one of the Sundays in the month of February, at the instance of our Attorney; and the certificate of the curé, or of the Sergeant of his diligence, shall be lodged with the Registrar of the *Maitrise*, and enregistered there free of expense; all with prohibition to the usagers and to all others to send their beasts to pasture in other places, under pain of confiscation, and of deprivation of their right of usage.

'5. The customs, franchises, usages, and pannages, shall be limited to the fiefs and usager houses alone, following the statements made by the Commissioners who have travelled in this matter, with a view to reformations, or those which have subsequently been prepared by the Grand-Masters in regard to *Maitrises* in which this had not been done. The number of cattle shall, with like power, be regulated by the Grand-Masters, regard being had by them to the condition and capabilities of the forests.

'6. All the animals belonging to the usagers of the same parish or hamlet having right of usage, shall be marked with the same mark, an imprint of which shall be lodged at the registry, before they can be sent to the

pasturage; and every day they shall be gathered together in some one place, which shall be designated for each burgh, village, or hamlet, and they shall be driven in one herd, by one way only, the most fit and best fenced, which shall be designated by the Officers of the *Maitrise*, without their being permitted to take any other route in going and returning, under pain of confiscation of the beasts, and an arbitrary fine against the owners, and exemplary punishment against the herds and the guards.

'7. Private persons shall put a bell on the neck of their beasts, the sound of which may give notice of where they are, and doing damage, that the herds may run after them, and the guards may seize animals wandering and doing damage out of the place designated and declared fencible.

'8. It shall not be allowable to any inhabitant to lead forth his cattle under a separate guard, nor to send them into the forest under the charge of his wife, his children, or domestics, under pain of a fine of ten livres for the first offence, confiscation for the second, and for the third total deprivation of usage. This shall be equally enforced in regard to ecclesiastical seigneurs, gentlemen, and others indiscriminately who may enjoy the right of an inhabitant, notwithstanding rights of keeping their flock apart, and all customs or possessions to the contrary.

'9. The herds and guards shall be selected and appointed annually, at the instance of Attorneys of the Office or Syndics of each parish, or of the principal inhabitants of the hamlets and villages, by the inhabitants assembled in presence of the Judge of the place, who shall deliver the deed thereof free of expense, or in presence of the Notary or like official of the place, and the community shall be held responsible for those whom they may have chosen.

'10. Private usagers cannot lend their names or houses to the merchants and inhabitants of neighbouring towns and parishes to take their cattle there; and if any be found to have been taken there thus, or through a fraudu-

lent declaration, they shall be confiscated, and the usager shall be condemned for the first time to pay a fine of fifty livres, and in case of repetition, to total deprivation of usage.

'11. We forbid all private persons to send their beasts to pasturage under pretext of leases, and of permission given by the officers, receivers, or farmers of the domain, or even by contractors or usufructiers, under pain of confiscation of the beasts found in pasturage, and a fine of a hundred livres.

'12. If there be young shoots of timber trees, or coppice woods, along the roads or routes by which the beasts pass to go into the places destined for pasturage, so that browsing cannot be certainly prevented, the officers shall take in hand that there be made ditches sufficiently broad and deep to secure the conservation of these, or that the old ones be cleared out and maintained, at the expense of the communities of usagers proportionally to the number of beasts which they send on pasturage.

'13. We equally forbid to the inhabitants of usager parishes, and to all persons having right of pannage in our forests and woods, or in those of ecclesiastics, communities, and private persons, to take or send their sheep or goats, ewes or lambs there, or even to lands and heaths, or void and bare places on the borders of the woods and forests, under pain of confiscation of the beasts, and a fine of three livres for each beast; the shepherds and guards of such beasts shall be condemned to a fine of ten livres for the first offence, and flogging and banishment from the province of the *Maîtrise* in case of repetition; and the master proprietors of the beasts, and fathers of families shall be civilly responsible for the sentences given against the shepherds.

'14. The inhabitants of usager houses shall enjoy the rights of pasturage and pannage for the beasts kept for family benefit alone, and not for those of which they make trade or traffic, under pain of fine and confiscation.

'15. The Forest-Master cannot put more than eight

hogs on the acorn ground, and the Lieutenant, our Attorney, and Garde-Marteau, six each; the Registrar, four; and the Sergeant of the Guard, three; all under pain of confiscation, and the whole in case of their being actually resident there and not otherwise.

CHAPTER XX.—*Of 'Chauffage' or Firewood, and other Claims, Founded on Usage, for Wood for Buildings and Repairs.*

'*Art.* 1. We revoke all and every of the rights of usage with which our woods are at present burdened, of whatever nature and condition they may be.

'2. We will, nevertheless, that those who possess them on account of exchanges or indemnities, or who shall establish by a possession previous to the year 1560, or otherwise, their right, shall be compensated according to a valuation, which shall be made before our Council, and until actual reimbursement, they shall be paid annually from the proceeds of sale the value of their *chauffage*.

'3. We will also that *chauffage* assigned to the Officers of our waters and forests by edicts or declarations, in consequence of money paid by them, shall be valued in our Council, in order that they may be reimbursed, or paid annually the value of these from the proceeds of sales, following a statement relative thereto which shall be determined by us.

'4. The communities and private persons who enjoy, on account of rent or tenure, or of allegiance, a right to *chauffage* in money, or in kind, or of personal service in the Guard, of corvées or husbandry service, or other charges, shall remain free in the enjoyment of these, and be, in consequence, exempt from this revocation.

'5. With regard to *chauffages* given and granted by us, or our predecessors, founders, and benefactors, as endowments and donations made to churches, chapters, monasteries, hospitals, infirmaries, and other communities, ecclesiastical, secular, and regular, we will that these should retain them in kind, following the statements

which in regard to these have been, or shall be hereafter determined in our Council, in regard to the possible yield of our forests; and where these shall be found to be so devastated and ruined that they cannot yield that without considerable prejudice and diminution of our revenue, the value of the *chauffage* shall be paid in our Council, on advice of the Grand-Masters, and entered in our accounts, to be paid to them in money annually out of the proceeds of sales, without diminution or reduction.

'6. The religious houses, hospitals, and communities, which have *chauffages* from us, or from our predecessors, in alms, shall not have delivery of these in kind in future, but only in money, the funds for which shall be entered in our accounts in the Chapter Of Fiefs and Alms.

'7. There shall be made in our Council a general statement of all the *chauffage* in kind or money coming under the name of usage, and of the number and quality of the woods, and from what forests they should be supplied, copies of which shall be sent to the *Chambre des Comptes* and to the Grand-Masters, who shall deposit extracts in the Registries of the several *Maitrises* in which the forests within their bounds are burdened, to be delivered according to our statements and ordinances, without their having power to make any augmentation thereof, under penalty of privation of their office against directors, and of quadruple restitution against those who have received any.

'8. If any of the Officers of our waters and forests be convicted of having received or claimed from merchants or their factors and commissioners any wood under pretext of *chauffage*, or in any way whatever, to the prejudice of our prohibitions, we order the Grand-Master to punish them according to the rigour of our ordinances.

'9. The Officers shall not be paid the money which shall be assigned to them by our statements in lieu of their *chauffage* if they be not in service and in actual residence; therefore they shall be obliged to take to the Receivers the certificates and attestations of the Grand-Masters.

'10. We furthermore revoke, extinguish, and suppress all usages of grant of wood for buildings and repairs for whatever account, and under whatever pretext, the concession may have been made, notwithstanding all confirmations, letters, titles, and possessions, saving if they be found to have been acquired or conceded under title of foundation or dotation, or by possession previous to 1560, or otherwise established as a burden-right, with provision to indemnify or discharge the parties interested, as may be seen to be reasonable.

'11. There shall not in future be made any gift or allowance of *chauffage* for any cause whatever; and if by importunity or otherwise any letters or warrants have been granted and issued, we forbid to our Courts of Parliament, *Chambres des Comptes*, Grand-Masters, and Officers to regard them.

Chapter XXI.—*Of Building Timber for Royal Mansions and for the Navy.*

'*Art.* 1. There shall not be made any extraordinary sale by arpent of trees for construction and repairs of our royal dwellings or navy; but the Grand-Master can charge the auction-purchaser of ordinary sales, &c., to supply the wood necessary for these works on payment to him of the price according to estimate of this by advice of people conversant with the mattter, on the estimates of the undertakers or architects, and conformably to a statement by the Superintendent of our buildings, or by the Controller-General of our Finances, passed in good and due form, which shall be inserted in the schedule of the charges, and deposited in the Registry of the *Maitrise*.

'2. If at times there be required pieces of such size and length as cannot be found in the ordinary sales, in that case the Grand-Master, on statements made in our Council, and letters patent duly verified, may cause such to be marked and felled in our forests in places in which this can be done with least damage; and if none can be found

there, they shall be selected and taken in the woods of our subjects, as well those of ecclesiastics as of others, without distinction and quality; but under burden of being paid for at their just value, which shall be determined by experts, in regard to whom our Attorney in the *Maîtrise* and the parties shall agree before the Grand-Master, who in default or refusal, shall officially nominate them.

'3. We forbid the Grand-Master to proceed to mark the wood thus required beyond ordinary sales, excepting in virtue of letters patent issued in conformity to the statements and advice of the Superintendent of our Buildings or of the Comptroller-General of our Finances, in execution of which, and after the enregistering of which in the Parliament, and *Chambre des Comptes* in the Province of the *Maîtrise*, he shall go to the localities and shall make a minute of the number, situation, age, girth, and quality of the trees selected; mark them then with our mark and his own, in presence of the Officers, and the contractor for the work or other tenderer for the delivery shall sign the minute along with all the assistants, and he shall cause it to be immediately transcribed on the Register of the *Maitrise*, of which minute the Registrar shall deliver a copy gratis to those who have charge of the exploitation of the woods.

'4. The trees which may be found bent over or broken by the fall or bringing out of the pieces taken shall likewise be marked with our marteau and with that of the Grand-Master, who, after having made a minute of their age, girth, and quality, and also of their value on report of an expert in the form above described, shall deliver them to the contractor to make an account of them to our profit, and to take them away immediately without permitting any abuse or depredation to be committed by the workmen whom he has employed, and he shall be responsible for the same.

'5. The branches, tops, and remains of the trees thus taken for our buildings, and those which may be bent over or broken by their fall and transport, shall be sold at the Court of the *Maitrise* with the formalities prescribed for the

sale of windfalls, and the proceeds shall be paid to the Receiver of woods or of the domain, without the woodmen having power to carry them away or dispose of them under pretext of hearth-wood or otherwise, under pain of arbitrary fine and of restitution of double the value, for which the contractor also shall be equally responsible.

'6. Those who fell and work up the trees spoken of above shall, before the delivery of them, furnish to the Garde-Marteau of the *Maitrise*, and to the Sergeant in the ward in which they have been marked, for each of them to make mention of it on their register, the number, height, size, and quality of them, the time at which they were taken away, and the names of those who took them away.

'7. If there shall be more wood marked than is required, the contractor, or he who has charge of the work, after having taken what is necessary, shall make and sign on the Register of the Registrar of the *Maitrise* his declaration of what he leaves, in order that the mark may be effaced within three days at the very latest on the pieces which shall be still standing; and if it be felled, it shall be sold for our profit, and the price paid to the Receiver to be accounted for.

CHAPTER XXII.—*Of the Waters, Forests, Woods and Warrens held under Title of Douaire, Concession, Sale-Contract, and Usufruct.*

'*Art.* 1. We forbid all persons of whatever rank or quality to intermeddle in any way whatever, or commence operations on any waters, woods, and forests in our domain, held under title of *douaire*, concession, sale-contract, usufruct, or otherwise, under any title or pretext whatsoever, if the Grand-Masters, in the several departments, have not previously visited the places, and made a minute of the state in which they found them, containing in detail the nature and quality of the trees, the state, kind, and number of *balliveaux* in the coppice woods in each separate ward or lot, the density and value of the ordinary fellings, as estimated by him, and a report of the last six sales.

'2. We will further that the minute contain also a statement of the warrens, rivers, fish-ponds, forges, furnaces, sanctioned sluices, floodgates, water-gates, discharges, and causeways, with an account, on the report of an expert, of the repairs which it would be proper to have made; and in regard to these the holders of *douaire*, endowment, usufruct, and contract, shall come to an agreement with our Attorney of Waters and Forests, in the presence of the Grand-Master, who shall cause the whole to be signed by all the Officers of the *Maîtrise*, and by the parties interested, or their Agent or Attorney specially authorised to do so, to be deposited and enregistered within a fortnight in his Registry, and in that of the *Maîtrise* in the locality in which the Waters and Forests Assizes are held.

'3. The contractors cannot avail themselves of their contracts and purchases to take advantage of these in the waters, woods, and warrens in question until these have previously been appraised in the *Chambre des Comptes*, in the presence of the Grand-Master, or on advice and minutes sent by him in regard to the matter, under pain of a fine of ten thousand livres, and of the reversion of the waters and woods in question to our Domain.

'4. Whenever the term of tenure or enjoyment expires, new visitations, estimates, and reconnaisances shall be made, with the same formalities, by the Grand-Masters, the contractors, or usufructiers, or their heirs, being present, or duly summoned, to ascertain the condition and denseness of all things mentioned in the first minute, that in case of their being found any degradation, destruction, or prejudicial changes, the holders, their successors, and representatives may be obliged forthwith to restore everything to the condition in which they were received, and indemnify us for loss which may be sustained, conformably to the ordinances, in what relates to the woods, and in what relates to aught else, according to the deliverance of experts, who shall be called or appointed to the office.

'5. The holders under title of *douaire*, concession, usu-

fruct, and contract can dispose of no timber forest, old standard trees, *anciens*, or trees which have stood over four or three growths felled, *modernes* which have stood over two, or *balliveaux* which have stood over one felling in coppice woods, or even of trees the age of wood reserved in the last sales, nor of windfalls, nor of stolen trees, nor of fines, restitutions, or confiscations accruing to us; but the whole shall remain entirely for our profit, and the proceeds shall be paid entirely to our account to the Receiver of our Domains, or of our Woods in places in which there are such, along with the other money in their charge, and this shall be done notwithstanding all attested letters, clauses, gifts, decrees, contracts, adjudications, usages, and possessions to the contrary.

'6. Neither, moreover, can their farmers, attorneys, agents, or receivers take or cause to be felled any trees *anciens, modernes*, or *balliveaux* in coppice woods, by the arpent or by the piece, to maintain and repair houses, mills, and buildings belonging to the same domain, or under any other pretext, excepting in virtue of letters well and duly registered in the Court of Parliament and *Chambre des Comptes* of the Province, on advices and minutes by the Grand-Master under pain of deprivation, of fine, and of restitution of entire loss likely to be sustained against the possessors, and of condemnation against all, severally and conjointly, against their farmers, agents, and receivers, and against the merchants and contractors who have exploited them, to like fine and restitution, and of suspension against the Officers who have given the delivery, together with payment of like fines, restitutions, damages, and compensations without modification and without appeal.

'7. There shall be observed by all, in the treatment of the waters and woods thus held, the same conditions and reservations which ought to be observed in the treatment of our waters and woods in possession, and sales and auctions shall be held by our Officers in waters and woods with all the formalities which are prescribed by the present

Ordinance without any farmer or merchant being able to intermeddle with the subjects, excepting in virtue of the allocations, martellages, and delivery so made to them by our Officers, under pain of fine of three thousand livres for each contravention, and confiscation of the purchase made.

'8. Our Grand-Masters, and the Officers of the several *Maîtrises*, shall have the same cognisance and jurisdiction over the waters and forests of ecclesiastics, Commanders of St. John of Jerusalem, administrators, communities, and holders of mortmain situated within the extent of our domains purchased, conceded, or held by whatsoever title it may be which they have and ought to have in the domains which we own, without the contractors, holders in possession, or usufructiers or their officers having power to intermeddle with the subjects under any pretext, any more than in woods held in *Grurie, Grairie, Tiers et Danger*, if they be not parties specified in the grant or contract.

Chaptfr XXIII.—*Of the Woods in Grurie, Grairie, Tiers et Danger.*

'*Art.* 1. In all the woods subject to the rights of *Grurie, Grairie, Tiers et Danger*, the execution of law and all profits thence resulting pertain to us, exclusive of all others, together with the rights of chase, pasturage, and pannage, if it do not be the case that in regard to the pasturage and pannage there be any title to the contrary.

'2. The parts and portions which we take out of the fellings and usances of the woods subject to the rights of *Grurie* and *Grairie* shall be taken up and collected for our profit, in money or in kind, according to the ancient usage of each *Maîtrise* in which they may be situated, without any change or innovation in this respect; and no wood of whatsoever quality can be sold but through the agency of our Officers, and with the same formalities as in our other woods and forests.

'3. The *Tiers et Danger* shall be levied according to the ancient custom, which is to destrain for our profit on

the total of the sale in kind or money, at our option, the third part and the tenth, in such a way that if the sale be one of thirty arpens, for a sum of three hundred livres, we shall have the produce of ten arpens for the third part, or thirty in all, and three for the tenth part of the same quantity, which will be thirteen arpens for thirty; or, if we take it in money, a hundred livres for the third part of three hundred livres, and thirty livres for the tenth of the same sum of three hundred livres.

'4. If there be found some woods in our Province of Normandy for which the private persons having title and possession only pay a part of this right—that is to say, simply the *Tiers* or third, or only the *Danger*, which is the tenth; we will that their be no innovation in regard to this.

'5. The possessors of woods subject to *Tiers et Danger* may take by their own hand for their usage of woods of the nine kinds specified in *Art.* ix. of the Norman Charter of King Louis the Tenth, of the year 1315, which are these:—Willows, *morsaules*, thorns, *puisnes*, *seur*, alders, brooms, junipers, and briars, and dead wood in trunk or root, or lying on the ground.

'6. We declare the right to *Tiers et Danger* in the woods of our Province of Normandy to be imprescribable and inalienable, as constituting part of the ancient Domain of our Crown.

'7. All woods situated in Normandy, beyond those which are hand-planted, and dead wood excepted by the Norman Charter, shall be subject to this right if the possessors be not endowed by authentic titles and usages to the contrary.

'8. The rights of properties held in co-proprietorship with other seigneurs, and those of *Grurie*, *Grairie*, *Tiers et Danger*, cannot be given away, sold, nor alienated in whole or in part, nor even farmed out under any reason or pretext whatever, there being renewed, in so far as may to this end be necessary, the prohibition to this effect contained in the tenth article of the ordinance *De Moulins*,

without even its being the case that in time coming such rights can be disposed of by contract or farmed, but their ordinary produce shall be given on recovery to the Receiver of Woods or of the Domain, for which he shall account as for money coming from the sale of our forests.

'9. The Grand-Masters and Officers of particular *Maitrises* shall take cognisance of all depredations, abuses, and malversations which shall be committed in woods of this class, not embracing so much what relates to police, sale, and conservation, as in what relates to the execution of justice and to the chase.

'10. The ordinary sales shall be made by the Grand-Master, or by the Officer of the *Maitrise*, with the same forms as ought to be observed in regard to determination and survey of sites of fellings, *martellage*, *balliveaux*, publication, auction sales, dublication, tertiating, and verification of our woods; and extraordinary sales shall be made by the Grand-Master alone, in virtue of our letters patent duly registered, under pain of restitution and of deprivation of all rights against the possessors, and arbitrary fine and confiscation of purchase against the merchants.

'11. The sale of windfalls, broken over or uprooted, shall be proceeded with in the manner ordered for our woods, subject to payment to us of the same proportion of the price as pertains to us in our ordinary sales.

'12. All fines and confiscations which shall be awarded for these woods shall appertain entirely to us, without the possessors having power to take anything therefrom; but they have the same part of restitution, damages, and compensation for losses which they have by right and custom from sales.

'13. The reserves of *balliveaux* in coppice woods, and the same penalties and condemnations prescribed for our woods, shall be made and exacted for those held in *Grurie, Grairie, Tiers et Danger;* and we enjoin on the Officers to hold a tight hand, and we will that their dues be paid for this according to the allocation which shall be made by the Grand-Master on the whole price of the sales.

'14. There shall be made a register, prepared by the Master and our Attorney, of all sales, auctions, and verifications, which all the Officers present shall sign, together with the possessors and their Attorneys; and the merchants and their factors, if they know how to sign.

'15. There shall be in each *Maitrise* one or more Sergeants, according to the number and distances of the woods held in co-proprietorship, and in *Grurie*, *Grairie*, and *Tiers et Danger* to keep ward, and make report of depredations, abuses, and malversations, the same as is proposed for our forests.

'16. The possessors cannot take any live tree without the mark and delivery of the Grand-Master, such tree shall be instantly felled and sold for our profit, at the price of the value of the proportion which is our right.

'17. When there shall be ordinary sales the possessors may take their *chauffage* or firewood from their part of the sale; but if there have not been an open sale no *chauffage* can be taken except in dead wood, or dead trees of the nine kinds specified.

'18. The Grand-Masters shall in each year visit all the woods of this class; they shall cause to be shown to them the registers held, and judgments pronounced on depredations and malversations, with a statement of sales and verifications; and they shall make reformations in these woods when this they judge necessary.

'19. The Forest-Masters, or their Lieutenants, shall be obliged to make a visitation, along with our Attorneys, at least once a year; the Gardes-Marteaux, every six months; and the Sergeants without intermission, of which visitations they shall make minutes, each of what he has himself seen, and these they shall without loss of time deposit in the Registry of the *Maitrise;* all under pain of deprivation of their charges, and of being held personally responsible for depredations, abuses, and malversations.

'20. We ordain that within six months after the day of the publication of these presents there shall be made a survey, diagram, and description of all of the forests, woods,

and shrubberies in which we have a right, as well by co-proprietorship as by *Grurie*, *Grairie*, and *Tiers et Danger*, by the Surveyor of the *Maitrise* at the instance of our Attorney, each in his province, and in the presence of the parties interested, of the Garde-Marteau or the Gruyer, and of the Sergeant of the Guard, of which the minute and diagram shall be enregistered in the Registry.

'21. The Masters, or, in their absence, the Lieutenants, shall also, with our Attorney, make a minute of the number, situation, and contents of the woods of this class, with statements of the kind and age of the woods with which they are planted, and of the rights which we have in them, and they shall sign and deposit the whole in the Registry of the *Maitrise;* and they shall send also copies of this to the Grand-Master, who shall make from these a general statement of his department, a copy of which he shall send to our Council by the hand of the Comptroller-General of our Finances, and another to the Registry of the Marble Table.

'22. All the expenses of the Surveyor's diagrams and descriptions shall be taxed by the Grand-Master definitely for each wood, and paid out of the gross price of the first sale which shall be made, on the average of which the burden shall be borne by us and by the possessors in just proportion to our different interests.

'23. If it be found from the minutes that there have been any usurpations or clearances made without our express permission, the authors of these shall be condemned to re-establish everything in its original condition, and to pay fines, restitution, damages, and compensation for loss, following the rigour of our ordinances.

Chapter XXIV.—*Of Woods Belonging to Ecclesiastics and Holders of Mortmain.*

'*Art.* 1. All priests, abbots, priors, officers, and ecclesiastical communities, both secular and regular, stewards,

administrators, rectors, and principals of colleges, hospitals, and infirmaries, Commanders and Attorneys of the Order of St. John of Jerusalem, shall be bound to cause their woods to be surveyed, figured, and defined, within six months, reckoned from the day of publication of these presents, and to deposit within fifteen days thereafter with the Registrar of the *Maitrise* the minutes, along with the diagrams and figures, on which shall be marked the bounds, with their just outline and distance; if not, on the lapse of six months, this shall be done at the instance of our Attorneys in each *Maitrise*, at the expense of the defaulters, who shall be constrained to make payment by the seizure of their temporal goods, following the taxation which we will to be made by the Grand-Masters.

'2. We will that, conformably to the ordinance of the year 1573, confirmed by that of 1597, the fourth part, at least, of the woods pertaining to bishoprics, abbeys, benefices, commaderies, and ecclesiastical communities, be always kept as timber forests; and if there be not any timber forest throughout the whole extent of their woods, or that what there is be in extent less than a fourth part of the whole, what is alacking shall be taken from their coppice woods to complete this proportion, to be reserved to grow as timber, the selection and measurement of which shall be made by the Grand-Master in the most proper places, and where the ground will best bear it; and this shall be separated from the remainder of the coppice woods by bounds and enclosures, and it shall be reputed of such nature and quality, without its being permitted to use or cut any trees, excepting in accordance with the forms prescribed for timber trees.

'3. After the reserves have been taken off and separated, the rest of the coppice woods shall be subject to regular ordinary fellings of ten years' cycle at least, with an express charge to leave sixteen *balliveaux* of mature wood in each arpent, besides all trees of greater age, *anciens et modernes*, which shall also be reckoned timber trees, and as such shall be reserved in all ordinary fellings, without

being touched in any case, excepting in virtue of our letters patent, well and duly certified, as shall hereafter be stated.

'4. Ecclesiastical communities, commanders, stewards, rectors, and administrators, cannot fell any timber trees, or *balliveaux* in coppice, or touch the reserved fourth, or undertake anything beyond the ordinary and regular fellings, excepting in virtue of our letters patent, well and duly registered, under pain of an arbitrary fine to us, and restitution fourfold of the value of the wood felled or sold; which, if it exceed five hundred livres, shall be invested as capital for the benefice, college, commandery, infirmary, or other community, and the revenue shall be applied to the hospitals of the localities during the life or the incumbency of the beneficiaries, commanders, rectors, or administrators guilty of the contravention; and if the restitution be less than five hundred livres, it shall appertain entirely to the hospital.

'5. Our letters shall not be granted for sales of timber trees, or reserved *balliveaux*, except in cases of fires, ruins, demolitions, losses, and extraordinary accidents, happening by tresspass, war, or fortuitous occurrence, and not through the act or fault of the beneficiaries and administrators, who, to obtain these, shall address their remonstrances to the Grand-Master, who shall inform himself of the causes and the necessity, shall visit the places in presence of our Attorney in the *Maitrise*, shall cause to be appraised by experts the reparation necessary, and shall send to the Council, by the hand of the Comptroller-General of our Finances, his minute, which shall contain a true statement of the value, condition, and quality of the woods to fell, which permission is required, together with the number and the quality of the trees which shall remain to the benefice or the community, and his advice, which shall be joined with the minute to the letters, under the counter-seal.

'6. The execution of our letters for extraordinary fellings in woods of ecclesiastics and communities cannot be

carried out but by the Grand-Master, who shall cause the officials to proceed in his presence to the defining and estimate of the fellings and martellages, and who shall make the auction sales and verifications with the same formalities observed for our woods; he shall determine the expenses and dues of our Officers and others employed by him according to their work, for which they shall be paid from the proceeds of the auction.

'7. We enjoin on ecclesiastics and communities expressly to charge their farmers, stewards, receivers, merchants, and purchasers at auction to make in their woods the same reserves as are ordered in ours; and we will that these be made by the receivers, farmers, or merchants, to the number and in the form ordered, although they may not be bound to this by their lease, bargain, or term of sale, under pain of arbitrary fine to our profit, and confiscation of the purchase-money, and of the wood felled, with restitution, damages, and compensation for loss to the benefice or community, which money shall be funded, and the revenue appropriated to the hospital nearest to the place during the life of the beneficiary.

'8. The purchaser by auction of the woods thus sold shall consign the price into the hand of some notable burgess commissioned by the Grand-Master, under nomination by the ecclesiastics, commanders, stewards, receivers, and administrators, to be paid to the contractor, who shall not be discharged of liability for reparation until after his works shall have been taken over by the people having cognisance of them.

'9. The purchaser by auction shall be bound to observe in exploiting all that is prescribed for this in our woods by the present ordinance, and to cause the verification to be proceeded with as soon as the time for bringing out the wood has expired, under pain of arbitrary fine, and of his remaining responsible for any depredations committed on the sale and in the returns without appeal or modification.

'10. All contracts, letters, minutes, and other deeds concerning visitations, estimates, calculations, permissions,

sites and subjects of sales, martellages, verifications, and receptions of works, shall be deposited and enregistered both in the Registries of the Grand-Master and of the *Maitrise* that recourse to it may be had when necessary.

'11. The same fines, penalties, and condemnations ordered by these presents for our waters and forests, shall hold good for the waters and forests of ecclesiastics, communities, and holders of mortmain, also for the chase and fishing, in virtue of which parties may be summoned to appear before the Grand-Masters and Officers without any person of what quality soever having a right or being allowed to decline the jurisdiction.

'12. Our Officers may visit, when it seems to them good, without expense or dues, the waters, woods, and forests of ecclesiastics, communities, commanders, hospitals, and communities; and if they find malversations, abuses, or contraventions of the ordinance, they shall make minutes of the same, which shall be attended to by the Grand-Master having cognisance of the matter.

CHAPTER XXV. — *Of Woods, Meadows, Marshes, Pastures, Fisheries and other Property belonging to Communities and Inhabitants of Parishes.*

'*Art.* 1. All woods appertaining to parishes and communities of inhabitants shall be surveyed, figured, and bounded within six months, at the instance of the Syndics, and the minutes and charts or diagrams shall be forthwith taken to the Registrary of the *Maitrises;* and we enjoin on our Attorneys all diligence to see that this be done.

'2. The fourth part of communal woods shall be reserved and allowed to grow as timber forests on the best ground, and in the most convenient places, by the appointment and mensuration of the Grand-Master or of the Officers of the *Maitrise* by his orders.

'3. What remains after these reserves have been made shall be felled regularly as coppice at least every ten years, with the marking and retention of seventeen *balliveaux* of

the age of the wood in each arpent, being the finest shoots of oak, beech, or others of the best kinds, over and above trees of older growth, *anciens* and *modernes*, and fruit trees.

'4. If, however, the woods were a gratuitous grant from the seigneurs without burden of any quit-rent, rent or service, allegiance or servitude, the third part may be set aside and separated for their profit, in case they so require and the two other parts be sufficient for the use of the parish, otherwise this partition shall not take place: but the seigneurs and inhabitants shall enjoy them in common as before. This shall also be done equally with meadows, marshes, islands, wild pastures, lands, heaths, and grass pastures, where the seigneurs have no other right than that of usage, and send their beasts on pasture as do first inhabitants, without partition or measurement, if there be not a grant from them without quit-rent, service, or servitude.

'5. The concession cannot be reckoned gratuitous on the part of the seigneurs if the inhabitants can prove to the contrary by a purchase they have made of them, or if they be held by other burden. If they pay or make some recognition in money, field work, or otherwise, the concession shall pass as burdened, and although the inhabitants cannot show their title this will hinder all separation of any part for the profit of the seigneurs, who shall enjoy only their usages and *chauffages* as they were wont.

'6. The seigneurs who shall have their measured lots can take nothing from the portion of the inhabitants, and can have no right of usage on this, nor *chauffage* or pasturage for themselves or their farmers, domestics, horses, and beasts; but they shall remain to the community free and discharged of all other usage and servitude.

'7. If in the pastures, marshes, meadows, and wild pastures fallen to the lot of the inhabitants, or held in common without partition, there be found some useless and superflous spots by which the community might profit without inconvenience to the pasturage, these may, after

a formal resolution of a meeting of the community, be let out to farm for one, two, or three years by auction made by the Officers of the locality, without expense, and the proceeds be employed in repairs in the parish for which the inhabitants may be liable, or other urgent business of the community.

'8. We forbid to Seigneurs, Mayors, Baillies, Syndics, Church Wardens, and inhabitants of the parishes, without distinction, to make any sale or survey of the fourth part reserved for timber forest; and to the Officers to permit or suffer it to be done, under pain of a fine of two thousand livres against each private person contravening this, and moreover against the Officers, of deprivation of their charge, saving in case of fire or notable ruin of churches, ports, bridges, walls, and other public places, for which they can obtain our letters as is ordered for ecclesiastics.

'9. The preliminary surveys of sites of ordinary fellings for sale shall be made, without expense, by the Judge of the localities, in presence of the Attorney of the office, the Syndic, and two deputies of the parish, and the corner trees, border trees, and *balliveaux* shall be marked with the marteau of the seigneury, which shall be kept in a chest with three keys, one held by the Judge, another by the Procurator-Fiscal, and the third by the Syndic of the community.

'10. The Judge may employ for the survey of the fellings the ordinary Surveyor, or such other as he may judge more proper; but the verification shall be made by the sworn Surveyor of the *Maitrise*, whose fee shall be determined moderately according to his work; the whole under pain of nullification, five hundred livres of fine, and suspension of the Judge guilty of the contravention.

'11. The fellings shall be made *à tire et aire*, level with the ground, and by skilled people chosen at the expense of the community, and capable of answering for bad exploitation, the produce to be then distributed according to custom; and in case of complaint or dispute about the partition or distribution, the Grand-Master shall see to this on his visitation.

'12. If for the greater advantage of the community it be judged expedient by the Grand-Master that the ordinary fellings should be sold, he shall remit the auction sale to the Judge of the locality, who shall be bound to proceed with the formalities prescribed for the sales of our woods, if there be not a Court of *Maitrise* or *Grurie* in the same parish, in this case our Officers shall make the sale free of expense, and the proceeds must be employed exclusively on extraordinary repairs or urgent business of the community, under pain of fourfold restitution, and five hundred livres fine against the Mayor, Baillie, Syndic, or principal inhabitants, who may have diverted the money to other purposes.

'13. Injured woods shall be pruned at the expense of the community, and be kept enclosed like all other coppice wood until the shoots are at least six years old, under the penalties enjoined in this matter for our forests.

'14. We enjoin on the inhabitants to appoint annually one or more Guards for the conservation of their communal woods, in default of which the Judge of the locality shall see this done, and officially determine the salary which shall be paid by the community.

'15. The Guards shall take the oath, and make their reports before the Officers of the *Maîtrise* or *Grurie*, if their residence be not above four leagues distant; but, in case the Court be more distant, the oath and the reports may be made before the ordinary Judge of the localities, who shall be bound to conform themselves in instructions and judgments relative to abuses and depredations, to forms and penalties prescribed for abuses and depredations committed in our woods.

'16. Our Officers may make visitations when they think good in the woods of the parishes, to take cognisance of the good or bad exploitation there, and if they find depredations, abuses, negligencies, or malversations have been committed by private persons or by Officers, Guards, or Syndics, they shall repress them by fines and penalties, following the rigour of our ordinances; and in these cases

they shall have their fees and dues paid from the fines and restitutions resultant, according to the decision thereon which shall be given by the Grand-Master.

'17. The portion of the inhabitants in the fishery shall be alloted, by auction in the Audience Hall or usual place in which pleadings are held, by the Judges of the localities, in presence of the Attorney of the office and of the Syndic of the parish, to the highest offer and last bidder, without expense or fees, after publication at the sermon of parochial morning masses on the two preceding Sundays and at two public markets, and the proceeds of the sale shall be devoted to the repair of the church, and other repairs for which the inhabitants may be bound, or more pressing necessities of the community.

'18. We forbid to all private inhabitants, other than the auction purchasers, who cannot be more than two in each parish, to fish in any way, even with line, hand, or basket, in waters, rivers, fishpools, and ditches, marshes, and communal fisheries, notwithstanding all customs and possessions to the contrary, under pain of a fine of thirty livres and a month's imprisonment for the first offence, and a fine of a hundred livres, with banishment from the parish, on repetition.

'19. All partitions between seigneurs and communities shall be made by the Grand-Master, in knowledge of the case, based on the titles presented, with the advice and report of experts, and they shall be paid the expenses by the seigneurs and by the inhabitants in the proportions to the rights which they respectively have in the thing divided.

'20. The Grand-Masters and Officers of the *Maîtrise* shall instruct and summarily dispose of differences which may ensue in the execution of partitions of woods, meadows, wild pastures, and communal waters between the seigneurs, officers, syndics, deputies, and private inhabitants, without the ordinary Judges of the places having power to take cognisance of them.

'21. All fines and confiscations which may be imposed

for the waters, meadows, wild pastures, and communal woods against private persons, shall appertain to the Seigneur High-Justiciary, and the restitutions, damages, and compensations for losses, to the community, excepting in cases of reformations, in which all fines and confiscations shall appertain to us, and the damages and compensation for loss, to the parish.

'22. We will that the restitutions, damages, and compensation for losses adjudged to communities for encroachments and abuses, or depredations committed in their woods, waters, and usages, shall be put into the hand of the Syndic, or of a notable inhabitant, who shall be appointed for this purpose by a majority of the votes, to be employed entirely, as above-described, in repairs and public necessary work, under pain of a fine of five hundred livres, and quadruple restitution against those who may have otherwise ordered or disposed of the same.

Chapter XXVI.—*Of Woods belonging to Private Proprietors.*

'*Art.* 1. We enjoin on all our subjects, without exception or difference, to regulate the felling of their coppice woods so as to secure at least ten years' growth, with reserve of sixteen *balliveaux* on each arpent, and they shall be bound to reserve also ten *per* arpent on ordinary of timber, to be disposed of, however, for their profit after the age of forty years for the coppice wood fellings, and of a hundred and twenty years for the timber trees, and moreover that they shall observe in exploitation what is prescribed for practice in our woods, under the pains borne by the ordinances.

'2. We give permission to the Grand-Masters and other Officers of the Waters and Forests the right to visit and inspect the woods of private proprietors, to cause to be observed the present Ordinance, and to repress contraventions, without exercise of other jurisdiction; and they may take cognisance of sales, watching, police, and

ordinary offences, if they shall be required to do so by the proprietors.

'3. Those who possess timber woods situated within ten leagues of the sea, and two of navigable rivers, cannot sell or exploit them unless they have six months before given advice to the Comptroller-General of the Finances, and to the Grand-Master, under pain of three thousand livres of fine, and confiscation of the wood cut or sold.

'4. Possessors of woods adjoining our forests, either in property or liferent, shall be bound to declare at the Registry of the *Maîtrise* the number and the quality which they wish to sell each year, under pain of arbitrary penalty and confiscation.

'5. It shall be free to all of our subjects to cause to be punished delinquencies in their woods, warrens, fish-ponds, and rivers, likewise in chases and fisheries, by the same pains and reparations ordered by these presents for such occurring in our waters and forests, chases and fisheries: and to this effect they can, if they see meet, bring them before the Grand-Master and the Officers of the *Maîtrise*, to whom, in so far as it may be requisite, we assign all cognisance and jurisdiction in such matters.

CHAPTER XXVII.—*Of the Police and Conservation of the Forests, Waters, and Rivers.*

'*Art.* 1. We repeat the prohibitions made by the Ordinance *De Moulins* against making any alienations in the future of any part whatsoever of our forests, woods, and shrubberies, under pain against the Officers of deprivation of their charges, and of a fine of ten thousand livres against those acquiring such, beside the reunion of the ground to our domain, and the confiscation to our profit of all that may have been sown, planted, or built upon places of this kind.

'2. All reserved trees and *balliveaux* in coppice woods shall, in time coming, be reckoned as part of the capital of our woods and forests, without the dowagers, donees,

contractors, usufructiers, and their receivers, or farmers, being able to make any pretensions to them, or to any fines which proceed from them.

'3. The Grand-Masters, making their visitations, shall be bound to make mention in their minutes of all void places not alienated or given under title of quit-rent or of lease, which they shall have found within the enclosures and in the heart of our forests, to be devoted under their advice, to be re-sown and replenished, or have done whatever may be suitable to the condition of our affairs.

'4. All border inhabitants possessing woods adjacent to our forests and shrubberies shall be bound to separate them from these by a trench four feet wide and five feet deep, which they shall maintain in this state, under pain of their woods being joined to ours.

'5. Our Officers of the *Maitrise*, making their visits, shall make mention in their minutes of the state of the boundaries and trenches between us and the borderers, and repair all usurpations and changes recognised as having been made since their last visitation; they shall likewise make mention in their minute of the following visitation, of the re-establishment of things in their first state, and of the judgments which they have pronounced against culprits, under pain of being conjointly and severally held responsible for these in their own names.

'6. We forbid all persons to plant wood within a hundred perches of our forests without our express permission, under pain of a fine of five hundred livres, and of confiscation of their woods, which shall be uprooted or felled.

'7. Our Attorneys in *Maitrises* shall have communicated to them, by the hands of the published promoters of sales, all minutes of proclamations, handbills, and advertisements of all sales which shall be made in future of houses, lands, woods, and other heritages situated within the enclosure, or on the banks, or within a hundred perches of our forests, woods, and shrubberies, which documents for this purpose shall be delivered in the Registry of the *Maitrises* at least fifteen days before the adjudication of the decreet,

which shall make express mention of their consent or opposition, under pain of nullification; and the Judge who shall have sold them without this formality, or before judgment was delivered on the objection, in case of one being taken, shall be condemned to a fine of a thousand livres for the first time, two thousand for the second, and deprivation of his charge on repetition.

'8. There shall also be communicated to our Attorneys in *Maitrises* all consents, lists, contracts of purchase, and declarations of heritages held in manors within the enclosure, and within a hundred perches of our forests, woods, and shrubberies, without their being able to be received, verified, enregistered, or invested by our Officers in the *Chambre des Comptes*, Finance Bureau, nor by the lords superior, lords of the manors, their farmers, receivers, or Officers, excepting after this communication, or consent of our Attorneys, or the judgment of the objection, if there have been any, of which mention shall be made in the deeds of reception, registration, and investiture, under the above-mentioned penalties against the Officers, and of re-union or resumption of the feudal rights and manor rights against the seigneurs, and of the confiscation of the goods given by consent and declaration against the private persons who shall have made them without this formality.

'9. In the communications which shall be made to our Attorneys of *Maîtrises*, all the heritages joined to the forests as seized or acquired and given by consent and list shall be stated with their contents, number of arpents, nature, and quality; and if need be, shall be resurveyed by the sworn Surveyor of the *Maitrise*, whose minute shall be declared before the Forest-Master, and registered in the registry, without expense in the case of the deed of communication being truthful, but at the expense of the parties who shall be found to have been attempting fraud with the survey alone, which shall be paid according to the decision thereon which shall be given by the Forest-Master.

'10. We enjoin on our Attorneys to give, within fifteen days from the day that the documents have been lodged

in the registry, their conclusions in writing, and, in case of opposition, to cause these to be intimated to the declared pursuers, to those who have acquired the heritages, to the holders or tenants, and to all others having an interest in them, to be answered in a week, and to be forthwith forwarded for the instruction and judgment of the Grand-Master or of the Officers of the *Maitrise*, without any expenses or dues, on pain of their being responsible for the whole in their own names.

'11. We make it to be very expressly forbidden to root up any plants of *chesnes*, yoke elms, or other trees in our forests, without our permission with countersignature of the Grand-Master, under pain of exemplary punishment, and a fine of five hundred livres.

'12. We forbid to all persons to take away throughout the extent of our forests, sand, earth, marl, or clay, or to cause lime to be made within a hundred perches distant, without our express permission, and to Officers we forbid to suffer it to be done, under pain of five hundred livres of fine, and confiscation of the horses and harness.

'13. There shall not be made any delivery of copsewood or small wood, green or dry, of whatsoever quality and value it may be, to powder manufacturers or saltpetre makers, to whom, and to dealers in gunpowder and saltpetre, we make it to be very expressly forbidden and prohibited, to take any, under any pretext, under pain of five hundred livres fine for the first time, and exemplary punishment on repetition, notwithstanding edicts, declarations, decrees, permissions, and concessions to the contrary.

'14. No measure shall be used or recognised in our woods and forests, and in those held by co-proprietorship, *Grurie*, *Grarie*, *Segrairie*, *Tiers et Danger*, appanage, sale-contract, usufruct, and also those of ecclesiastics, communities, and private persons our subjects, without any exception, but the measure of twelve lines for an inch, twelve inches for a foot, twenty-two feet for a perch, and a hundred perches for an arpent, under pain of a thousand livres fine, notwithstanding and without regard to all usages and

possessions to the contrary which we have abrogated and do abrogate, and we will that in the Registry of each *Maitrise*, and other Court of Justice, there shall be placed a standard of the measure above described.

'15. If all our forests and woods, and in those of ecclesiastics, private persons, and others, referred to in the preceding article, there shall not be made any delivery of firewood, be it in case of sale or of deliverance of *chauffage*, by other measure than the cord, which shall be eight feet long, four high, and three feet and a-half deep, including the dressing: the faggot-wood shall be two feet long, and the faggots from seventeen to eighteen inches thick, abolishing *rotteés*, *mesures*, *moules*, loads, burdens, *voyes*, and all other measures different from those now prescribed.

'16. There shall be left and preserved at the Registry of each *Maitrise* the charts, diagrams, and descriptions approved by the Grand-Master of our woods, shrubberies, and forests, and of those held by co-proprietorship, *Grurie*, *Grairie, Tiers et Danger*, appanage, sale-contract, and usufruct, which are within the bounds of their district, and also in the Registries of the Marble Tables, all at the instance of the Forest-Masters and of our Attorneys, under pain of withdrawal of their wages.

'17. All huts built of stakes within the circuit or border, or within half a league from the forest, by rogues and vagrants, shall be immediately demolished, and these shall be prohibited from building in future within a distance of two leagues from our woods and forests, under pain of corporal punishment.

'18. We forbid to all persons to cause to be constructed any chateaux, farms, and houses, within the enclosure, on the borders, and within half a league from our forests, without hope of any remission or reduction of the penalties of fine, and confiscation of the ground and of the buildings.

'19. We forbid to merchant-buyers, usagers, and all other persons to make ashes in our forests, or in those of ecclesiastics or communities, and to usufructiers and our officers to permit it to be done, under pain of confisca-

tion of the wood bought, and of the works and utensils, and of arbitrary fine and deprivation of charges against Officers, unless there be letters patent verified on the advice of the Grand-Master.

'20. The sales which may be made in virtue of letters patent shall be enregistered in the Registry of the *Maitrise*, and ashes cannot be made excepting at the places and spots indicated to the merchants by the Grand-Masters or Officers.

'21. We make it to be forbidden to all other persons to keep manufactories of ashes, or to make them elsewhere than in the fellings, or to cause them to be transported except in casks marked with the marteau of the merchant, under pain of arbitrary fine and confiscation.

'22. We forbid all persons to char or burn trees, or to remove the bark under pain of corporal punishment; and charcoal pits shall be put in the most void places, and the most remote from trees and young new growths, and the merchants shall be bound to replenish and restore these places, if this be judged expedient by the Grand-Master, before they obtain their legal discharge, under pain of arbitrary fine.

'23. Coopers, tanners, turners, sabot makers, and others of like occupations, cannot keep workshops within a distance of half a league from our forests, under pain of confiscation of their stock-in-trade, and a fine of a hundred livres.

'24. We enjoin on Officers of *Maitrises* to prevent the delivery of stolen wood in farm towns, which are within a distance of two leagues of our forests, and to this end it is permitted to them to make search in the houses for wood in staves and building timber of which they have advice that it has been taken there, and to proceed as circumstances may require, and the guards of our forests can, in presence of an Officer of the *Maîtrise*, or, failin this, in presence of the ordinary Judge, or the Attorney of the office, make such visits, of which they shall prepare minutes, which they shall take to the Registries of the

Maîtrises, and the culprits shall be punished by the Grand-Master or Officers of the *Maîtrise*, according to the rigour of our ordinances.

'25. We order that the monasteries, governors of the places, commanders of troops, seigneurs, and gentlemen, shall cause to be opened the gates of towns and chateaux to the Grand-Masters, Forest-Masters, Lieutenants, and our Attorneys, to make any searches, quests, and proceedings which they find meet for our service, and to deliver into the hands of our Officers all accused of depredations in our forests, as shall also dragoons and soldiers, passing or keeping garrison, on the first requisition made to them, without their being able to retain or keep back such, notwithstanding all privileges, or under pretext of military, police, or other justice, under penalty of charge of disobedience, and of being answerable in their own private names for the fines, restitutions, and interests involved.

'26. We forbid to all merchants, purchasers at auctions of our woods, or of those of private persons contiguous to our forests, and also to the proprietors of these making use of them, to give of them to woodmen and other workmen for their wages, under pain of being responsible for all depredations which these may commit in our forests during the time of their occupancy, and previous to the verification of the sales; and we forbid to the woodmen, and other workmen working in our forests, to carry, going out of workshops, any sawn or cleft wood, or any wood of other descriptions, under pain of fifty livres fine for the first offence, and punishment on repetition.

'27. We make it to be forbidden to all usagers, and to all others, to pluck or knock down pannage and mast, and other fruits of trees, to gather them, to carry them away, or to do so with what may have fallen, under pretext of usage or otherwise, under pain of a fine of a hundred livres.

'28. We forbid to all merchants to peel the wood of their purchase while it is standing, under pain of five hundred livres fine and consfication.

'29. Neither can merchants or their partners hold any workshop or hut, or cause wood to be wrought elsewhere than on their fellings, under pain of a hundred livres fine and confiscation.

'30. Those who inhabit houses in our forests and on their borders cannot trade there, nor keep workshops for wood, nor make of this wood a larger collection than is necessary as firewood, under pain of confiscation, arbitrary fine, and demolition of their houses.

'31. Neither can the Sergeants of the Guard, nor other Officers of our forests, keep a tavern, or exercise any trade in which wood is used, under pain of discharge, and of fifty livres fine, besides confiscation of the wood which may be found in their dwellings.

'32. We make it also forbidden to all persons to convey or kindle fire at any time or season whatsoever in our forests, heaths, or shrubberies, and those of communities or of private proprietors, under pain of corporal punishment and of arbitrary fine, besides the reparation of any damages which the fire may have caused, for which the communities and others who have selected the grounds shall be responsible to the civil law.

'33. We abrogate the permission and rights granted relative to fire, huts, and all deliverings of trees, perches, and dead wood in a dry or a new state, unless it have been made to some usagers, on whatsoever conditions they may have been granted, and to take, or cause to be felled, and to carry away other wood than is lying on the ground, notwithstanding all titles, decrees, and privileges to the contrary, which shall all remain null and abrogated, under penalty against those contravening of fine, restitution, damages, and compensation for loss, and of deprivation of right of usage.

'34. Usagers, parties having rights of usage, and others found by night in the forests, off the highway, with bill-hooks, hatchets, saws, or axes, shall be imprisoned and condemned for the first time to a fine of six livres; for the second, to one of twenty; and for the third to banishment from the forest.

'35. Immediately that any person has been declared a useless vagrant, our Attorney shall cause commandment to be given to him and his family to go forth and remove two leagues distant from our forests, with a prohibition to all persons to shelter them within the range of that distance; this prohibition shall be published at morning mass, and if any persons belonging to the parish be found to have given them shelter in the parish after such publication, these shall be condemned to pay three hundred livres of fine, and they shall, moreover, be held liable for all penalties which shall be imposed on these idlers.

'36. We ordain that within three months after the publication of these presents, there shall be drawn up in each *Maîtrise* an exact roll of the names of all the vagrants and idlers who have appeared several times on previous rolls, and these shall be required to withdraw immediately two leagues from our forests, under pain of exposure in the iron collar on three consecutive market days, and a months' imprisonment.

'37. If the Gardes-Marteaux, or the Sergeants of the Guard, mention their names in their minutes after they have, in consequence of any of their previous reports, been declared idle and vagabond, they shall be themselves condemned and compelled to make payment of the fines and penalties for which they have been found liable.

'38. There shall be sent a statement containing the name and description of all the rogues and vagabonds in the *Maîtrise* to the Registries of the other adjoining or neighbouring *Maitrises*, and if it be found that any have changed their name to escape recognition, We will that they be condemned to the galleys if they be able to serve in these; and if not, to such other corporal and exemplary punishment as shall be arbitrarily appointed by our Officers of the forests.

'39. We enjoin on our Attorneys of *Maitrises* incessantly to cause to be arrested rogues and vagabonds of the kind referred to, and to cause them to be taken from the prisons of the localities on the eighth day after their arrest, to be

at their requisition and instance removed to the prisons of the towns nearest to the place of the *Maîtrise* where the chain is wont to pass, to be attached thereto; which removal of the prisoners shall be made by the vice-bailiffs, criminal lieutenants of the short robe, or provosts of the merchants, on the first communication which shall be made to them at the requisition of our Attorneys of *Maîtrises;* which thing we also enjoin on and to their lieutenants, officers, and bowmen, under pain of loss of their office; and the expenses and fees shall be paid from the proceeds of fines and confiscations, according to the determination of these which shall be made by the Grand-Master.

'40. There shall not be taken away sand, earth, or other material from within six toises from navigable rivers, under pain of a hundred livres fine.

'41. We declare the proprietorship of all streams and rivers bearing boats on their waters, excepting that of structures and manufactories, throughout our kingdom, and lands which are subject to our orders, to constitute part of the domain of our Crown, notwithstanding all titles and possessions to the contrary, saving, however, rights of fishing, mills, ferry-boats, and other usages which private persons may have therein established by titles and valid possessions, in all which they shall be maintained.

'42. No one, be he proprietor or contractor, can erect mills, dams, sluices, fisheries, confined channels, walls, barricades of trees, heaps of stones, earth, and facines, or other obstructions hurtful to the flow of the waters, in the streams and navigable and floatable rivers; nor to throw into them any ordure or filth, or to make collection of such on the quays or banks, under pain of arbitrary fine. We enjoin on all persons to remove such within three months from the day of the publication of these presents; and if any be found existing after that time we will that they forthwith be taken away, and removed at the instance of our Attorneys of *Maîtrises*, at the expense and cost of those who may have made or caused them, under pain of

five hundred livres fine, both against the private persons, and against the Judge and our Attorney who have neglected to do this, and who are responsible in their own name for the damages and compensation for loss.

'43. Those who have caused to be built mills, sluices, water-gates, fisheries, and other edifices within the limits of navigable and flotage rivers, without having obtained our permission, or that of our predecessors, shall be required to demolish them; this, if not done by them, shall be done at their expense and cost.

'44. We forbid all persons to draw off water from navigable and floatable rivers, or to alter their course by water leadings, trenches, or canals, under pain against those contravening this of being punished as usurpers, and having the former state of things restored at their expense.

'45. We rule and fix the *chommage*, or charge for loss of time, of each mill which may be found established on the navigable and floatable rivers, with due titles and concessions, at forty sous for the period of twenty-four hours, which shall be paid to the proprietors of the mills or their farmers and millers, by those who shall cause the stoppage of work for their navigation and flotage, and this we do with very express prohibition to all persons to exact more, or to retard in any way the navigation or flotage under pain of a thousand livres fine, beside the damages and compensation for loss and repayment of outlay and expenses, which shall be determined by our officers of *Maitrises* without their having it in their power to modify it.

'46. If there shall arise any difference in regard to the rights of *chommage* pertaining to the mills and salaries of bridge-masters, and guards of bridges, and sluices of navigable and floating rivers, these shall be determined by the Grand-Master, or, in his absence, by the Officers of the *Maitrise*, the merchants engaged in the traffic, and the proprietors and millers being previously heard if need be; and that which shall be by them decided shall be at once executed provisionally, notwithstanding and without prejudice to appeal.

CHAPTER XXVIII.—*Of Roads and Royal Highways in Forests, and Footpaths by Rivers.*

'*Art.* 1. In all the forests with thoroughfares where there has been, or ought to be, great royal highways serving for coaches, carriages, waggons, and carts, from town to town, the great roads shall be at least seventy-two feet broad, and where they happen to be more they shall be maintained so in their entirety.

'2. If it have been judged necessary to make new roads to facilitate commerce and public safety in any of our forests, the Grand-Masters shall make their minutes of the projected line, and of the number, kind, and value of the woods which it will be found necessary for this purpose to fell, which they shall send with their advice to our Council by the hands of the Comptroller-General of our Forests, to be by us attended to.

'3. We order that within six months from the day of publication of these presents all woods, thorns, and bushes which shall be found within the space of sixty feet on the great roads serving for the passage of coaches and public carriages, both in our forests and in those of ecclesiastics, communities, seigneurs, and private persons, shall be felled and grubbed up, that the way may be free and more sure: all this at our expense in the forests of our domain, and at the expense of the ecclesiastics, communities, and private persons in the woods belonging to them.

'4. We will that after the lapse of six months those who are found to have allowed these to remain shall be mulcted in an arbitrary fine, and constrained, by seizure of their goods, to make payment both of the expense of the works which shall be necessary for the clearing of them, which shall be adjudged at the Court of the *Maitrise*, and of the expense and outlay which may be made after the six months, which shall be determined by the Grand-Masters.

'5. The trees and woods which it shall be found expedi-

ent to fell in our forests to make the roads of sufficient breadth, shall be sold as the Grand-Master shall advise for our greatest profit, and those of ecclesiastics and communities shall remain theirs in compensation for the expense to which they may have been put for the uprooting of them.

'6. We will that at angles or corners where two roads or three roads cross, which may be met with in the great roads and royal highways of the forests, our Officers of *Maitrises* shall immediately, at our expense in woods which belong to us, and in others at the expense of the towns nearest and most interested, plant crosses, posts, or pyramids, with inscriptions and marks indicative of the place to which each road leads, without it being permitted to any person to break, remove, tear, or deface such crosses, posts, inscriptions, and marks, under pain of three hundred livres fine, and exemplary punishment.

'7. The proprietors of heritages abutting on navigable rivers shall leave along the banks a space of at least twenty-four feet broad for a royal road and horse tract, without their being able to plant trees, or maintain any fence or hedge, within thirty feet on the side on which the boats are dragged, and ten feet on the other side, under pain of five hundred livres fine, and confiscation of the trees, and those guilty of the contravention shall be compelled to repair and put the roads again in good condition at their own expense.

Chapter XXIX.—*Of Dues of Tolls, Crossings, and others.*

'*Art.* 1. We suppress all the dues which have been established within a hundred years without title on the rivers, and we prohibit them to be levied under any pretext whatever, under charge of exaction, and of quadruple restoration to the profit of the merchants and passengers against the seigneurs or their farmers; We will also that all barriers, dykes, chains, and other obstructions to roads, embankments, bridges, passages, rivers, sluices, and narrow

passages for the indication of dues being claimed shall be taken away and broken up.

'2. With regard to tolls and dues established more than a hundred years by legal titles, the possession of which has never been interrupted, we order that ecclesiastics, seigneurs, and proprietors, of whatever rank they may be, shall establish before the Grand-Master their right and their possession in order that the minutes may be approved by us in our Council, on the report of the Comptroller-General of our Finances, as he shall advise.

'3. We forbid to the proprietors, farmers, receivers, and tollmen, to seize and stop horses, equipages, boats, and barges in default of payment of the dues which shall be comprised in the posted list which shall be made and approved: they can only seize moveables, merchandise, and commodities sufficient to meet what may be legitimately due according to a reasonable estimate, and hand these over to the Commissary to proceed with the sale of them, if they be awarded to them.

'4. In case of contravention, there shall be prepared immediately a minute, and the matter shall be prosecuted summarily to decision, by the first officer of waters and forests of the place; and if there be none such, by the ordinary Judge, without fee and without expense, save what may be incurred at the Court of the *Maitrise* in case of vexation, where we will that it be promptly and severely rectified with a sentence of fine, and of damages and compensation for loss through detention and stay of the passengers, against the farmers and toll-keepers who may be found to have been unjustified in what was done by them.

'5. We do not design that any of these dues shall be continued, even where there may be title and possession, where there are no causeways, ferry-boats, sluices, and bridges, to be maintained, and this at the charge of the seigneurs and proprietors.

'6. All orders and judgments by Grand-Masters and Officers of the waters and forests, in regard to dues of

tolls on the aforesaid impediments in ports, bridges, narrow passages, and sluices, shall be executed provisionally notwithstanding, and without prejudice to appeal.

'7. We order that of the legitimate dues established by title and possession held above a hundred years, there shall be made a tariff-bill of charges, which shall be put up and attached on the posts at the entrances of the bridges, passages, and narrows, or where the dues are levied, without power otherwise to levy or exceed them under any pretext, notwithstanding any contrary usage, under pain of exemplary punishment against the contraveners of this, and also the restitution of fourfold to the merchants, besides an arbitrary fine to us.

Chapter XXX.—*Of the Chase.*

'*Art.* 1. The Ordinances of the kings, our predecessors, in regard to the Chase, and especially those of the month of June 1601 and July 1607, shall be observed in all their provisions which we have not abrogated, and which contain nothing contrary to these presents.

'2. We forbid to our Judges, and to all others, to condemn for anything relating to the Chase, whatever it may be, if there be no other crime combined with it deserving this penalty, notwithstanding *Art.* XIV. of the Ordinance of 1601, which we expressly abrogate in this respect.

'3. We interdict to all persons, without distinction of rank, of time, or of locality, the use of firearms, gun-stock, or gun-barrel, and bamboo or hollowed stick, likewise to carry such under whatever pretext it may be; and to all workmen to make or fashion them; under pain against private persons of fine of five hundred livres, besides confiscation, for the first time, and corporal punishment for the second, and against the workmen of corporal punishment for the first time.

'4. We also make it to be forbidden to all persons to hunt with fire, or to enter or remain over night in our forests, woods, and shrubberies connected with them, or in

the woods of private persons, with fire-arms, under pain of a fine of a hundred livres, and corporal punishment, if this be deemed befitting.

'5. Nevertheless, our subjects of the rank required by the edicts and ordinances, passing along the highways of the forests and woods may carry pistols and other arms not prohibited, for defence and preservation of their persons.

'6. Likewise may the Guards of the open country, and the Sergeants of the Guard of our woods, when on duty, wearing the uniform and casques of our livery, but not otherwise, carry pistols, both by night and day, for the defence of their persons.

'7. Neither foot nor mounted Guards of the open country in our *Capitaineries* can carry any arquiebuss with a gun-lock, or musket, in our forests or open country, if they be not in the suite of their Captain or of Lieutenants, under pain of fifty livres fine, and discharge from their office.

'8. We forbid all persons to take, in our forests, warrens, bushes or reserve grounds, any nests of birds of what species soever it may be, and in all other places, the eggs of quails, partridges, and pheasants, under pain of a hundred livres fine for the first time, of double that for the second, and of flogging and banishment to six leagues from the forest for five years for the third.

'9. The Sergeants of the Guard, when they find nests, shall be charged with the preservation of them as a special duty, and shall remain responsible for them.

'10. We will that those who may have been convicted of having opened and ruined coney-burrows, or other burrows which are in our warrens, or in those of our subjects, shall be punished as robbers.

'11. The Officers of our chases shall be bound within six months after the publication of these presents to cause to be whipt and driven away all greyhounds which they shall find in our forests, under pain of a fine of five hundred livres, and of suspension from their office for a

year; and in case they shall have failed to do so within that time, we enjoin on Forest-Masters, their Lieutenants, our Attorneys, and other Officers of our *Maîtrises* to do it instantly, and to take the coneys only with ferrets and bags, under the same penalties.

'12. All holders of lakes, draw-nets, drag-nets, tunnels, snares of cord or of brass wire, fragments and flaps of nets, gins, quail nets of wire or of silk, shall be sentenced to the lash for the first time, with a fine of thirty livres, and for the second, flogging and infamy, with banishment for five years from the bounds of the *Maîtrise*, whether it be that they have committed depredations in our forests, or in those of ecclesiastics, communities, or private persons of our kingdom, without exception.

'13. We make it to be expressly prohibited and forbidden to all seigneurs, gentlemen, high justiciaries, and other persons of whatever rank and condition soever they may be, to shoot or hunt with noise in our forests, bushes, warrens, and open country, if they have not license or permission to do so, under pain against seigneurs of charge of disobedience, and of two thousand five hundred livres fine, and against commoners of fines and other penalties, according to the edicts of 1601, with the exception of death, which is hereafter abolished as a punishment for this crime.

'14. We permit, nevertheless, to our seigneurs, gentlemen, and nobles, to hunt nobly by dog or bird in their forests, bushes, warrens, and open country, provided they be a league distant from our preserves, and also roebucks and wild boars at a distance of three leagues.

'15. It is permitted also to them to shoot with arquebuses all kinds of birds of passage, and also game, excepting the stag and the hind, at a league from our preserves, both on their own lands and on our ponds, marshes, and rivers.

'16. We interdict hunting with setters in all places, and the practice of shooting flying within three leagues from our preserves, under pain of two hundred livres fine for

the first offence, of double this for the second, and of triple for the third, together with perpetual banisment from the bounds of the *Maitrise.*

'17. The liberty of shooting flying at three leagues distance from our preserves is only granted to seigneurs, gentlemen, nobles, and seigneurs of parishes.

'18. We forbid to all gentlemen and others having the right of chase to hunt on foot or horseback with dogs on sown lands after the grain is in blade, and in vineyards after the first day of May, until after harvest, under pain of deprivation of their right of the chase, five hundred livres of fine, and of all expenses, damages, and compensation for loss, to be paid to the proprietors or usufructiers.

'19. No one can in future establish a warren if he have not the right to do so from these presents and specifications, from possession, or from some other sufficient title, under pain of a fine of five hundred livres, and besides having the warren destroyed and demolished at his expense.

'20. We forbid to all persons, of whatsoever rank or condition they may be, to hunt with the arquebus or with dogs in the *Capitaineries* of our royal residences of St. Germain en Laye, Fontainbleau, Chambort, Vincennes, Livry, Compeigne, Bois de Boulogne, and Varenne du Louvre, and also to seigneurs, high justiciaries, and all others, though claiming rights founded on titles or permissions, general or particular, declarations, edicts, and decrees, which we revoke in this respect, reserving to us to grant new permissions, or to renew the old ones, in favour of whom it may seem to us good.

'21. Our subjects who have parks, gardens, orchards, and other enclosed heritages within the bounds of the *Capitaineries* of our royal mansions, cannot make in their walls any holes, standing doors, or other passage which may give admittance to game, under pain of ten livres of fine; and if any have now been made, we enjoin the closure of these immediately, under the same penalty.

'22. We do not at all intend to comprise in the above

prohibition the holes or arches which serve as water-courses for streams, nor the gullies, vent-holes, and other openings necessary for the escape of water, which shall remain in their entirety.

'23. We forbid to all our subjects having islands, meadows, and unenclosed *bourgognes* within the bounds of the *Capitaineries* of St. Germain en Laye, Fontainbleau, Vincennes, Livry, Compeigne, Chambort, and Varenne du Louvre, to have them mown before St. John the Baptist's Day, under pain of confiscation and arbitrary fine.

'24. We make it to be forbidden to all persons to make in future any parks, and enclosures of heritages with masonry, within the extent of the open country of our royal mansions, without our express permission.

'25. We do not intend, however, to oblige our subjects to ask permission to enclose heritages which they may have behind their houses situated in towns, villages, and hamlets outside of the open country thus specified, which they may make to be enclosed in walls, if this seem to them good, without our captains having power to hinder them.

'26. We declare all seigneurs who are high justiciaries, whether they have leases or not, to have the right of chase within the extent of their high justiciary, although the fief of the parish may belong to another, without, however, their being able to send any of their domestics or other persons to hunt on their behalf, or to hinder the proprietor of the fief of the parish from also hunting within the extent of his fief.

'27. If the high jurisdiction be dismembered and divided among many children or private persons, he only to whom belongs the principal portion shall have right to hunt within the extent of the jurisdiction, to the exclusion of the other co-justiciaries, who have not part in the fief; and if the portions shall be equal, that which belongs to the share of the oldest shall carry this prerogative, in this particular alone, and without consequent title to the other rights.

· 28. We make it to be forbidden to merchants, artisans, burgesses, and inhabitants of the towns, burghs, parishes, villages, and hamlets, peasants and commoners, of whatever condition and rank they may be, not possessing fiefs, seigneuries, and high jurisdiction, to hunt in any place, or sort, or manner, any game whatsoever of fur or feather, under pain of a fine of a hundred livres for the first offence, of double that for the second, and for the third to be put three hours on a market day in the iron collar of their place of abode, and banished for three years from the Province of the *Maîtrise*, without the judges having power on any account whatever to moderate the penalty, under pain of suspension.

' 29. The Captains of the Chase, their Lieutenants, and our Attorneys in *Capitaineries*, shall be received and appointed at the Court of the Marble Table, and the Registrars, Ushers, and Guards, both foot and mounted, before the Captains, or their Lieutenants, after information in regard to their life, habits, Catholic Apostolic Roman religion, fidelity and devotion to our service; and for each reception there shall be paid to the Registrar for the engrossing and enregistering of these prerequisites, six livres and no more: there are excepted, however, the officers of the *Capitaineries* of our royal mansions named above.

' 30. We order that in three months from the day of the publication of these presents, all Captains, Lieutenants, and other Officers of the Chase, who claim jurisdiction beyond and excepting those of our royal mansions specified above, shall present before the Grand-Master of each department their titles of institution or establishment, and their grants and deeds of reception, on his advice approved by us in our Council, on the report of the Comptroller-General of our Finances, as to the maintenance or abolition of their appointment, as to him may appear desirable, and failing to present these at the time stated, they are forbidden to exercise their functions under pain of their being considered false.

'31. We will that our Officers of Waters and Forests, and the Captains of the Chase should take cognisance concurrently and by previous arrangement between themselves, of what relates to the capture of delinquents, to the seizure of arms, batons, dogs, nets, and forbidden implements, in contravention of the present ordinance, and to informations in first instance alone; and when, as to charge and judgment, the cases pertain to the Lieutenant of the Long Robe, it must be at the prosecution and diligence of our Attorneys, without, however, their having power to exclude the Captains and Lieutenants of the Chase from assisting in the one or other, if it seem to them good, or from their having a seat and a deliberative vote—namely, the Captain before the Master, and the Lieutenant of the Captain before that of the *Maîtrise*, in the case specified above only.

'32. We except in that always the Captains of the Chase of our mansions of St. Germain en Laye, Fontainbleau, Chambort, Bois de Boulogne, Varenne du Louvre, and Livry, whom we maintain, and, in so far as it may be needful, confirm in their title to charge and judge at the instance of our Attorneys in these *Capitaineries* all civil and criminal processes in matters relating to the chase, calling in with them the Lieutenants of the Long Robe, and other Judges and Advocates for counsel.

'33. We except also the Captains of the Chase of our royal mansions of Vincennes and Compeigne, and those of which a list has been sent by us to the Court *Des Aydes* since the revocation of them, to whom we assign like jurisdiction as to those of St. Germain en Laye, Fontainbleau, Chambort, and Varenne du Louvre.

'34. If any private person, a borderer on our forests, or others of what rank soever, give trouble to the Officers of our Chases in the discharge of their functions, or do to them violence to maintain themselves in a right of chase which they may have usurped, we will that they be condemned for the first offence to a fine of three thousand livres, and, in case of repetition, be deprived of all rights

of chase on their own bordering lands, reserving, moreover, a more severe penalty if the violence be great.

'35. When it happens that priests, monks, and friars, who fall into this crime, have not wherewith to meet this fine, they shall be prohibited for the first offence to reside within four leagues of the forests, woods, open country, and shrubberies, and, in case of repetition, within ten leagues, and be prevented by seizure of their temporalities, and by every other reasonable means, conformably to the Declaration of Francis I., of the month of March, in the year 1515.

'36. The judgments rendered by the Captains of the Chases of our royal mansions, which may include any corporal punishments, shall be signed on the minute by the Lieutenant of the Long Robe, and by the others who may have been called in for counsel, which minute shall remain in the Registry of the *Capitainerie*, and mention shall be made of their names and rank in the copies of this of which delivery may be made, under pain of nullification.

'37. Sentences which do not exceed sixty livres in all for restitution and reparation, without other penalty or fine, shall be executed provisionally, and without prejudice to appeal.

'38. If there be an appeal from a sentence given on matters relating to the chase, and the sentence be not simply one of pecuniary fine, but one by which the appellant has been imprisoned, he shall not be enlarged pending the appeal, excepting on depositing the amount of the fine.

'39. The Sergeants of the Guard of our forests, and Guards of the open country of our preserves, cannot do any work excepting what relates to our waters and forests, and chases, under pain of charge of doing wrong; we hereby revoking to this effect all letters of liberty to do so which we may have accorded to them.

'40. The collection of the fines which may have been inflicted in *Capitaineries* of the Chases of our royal

mansions, named above, shall be made by the Sergeant-Collectors of fines of the localities, who shall furnish every year to the Grand-Master a statement of their receipts and expenses, in which may be included, if need, an outlay to the amount of three hundred livres by our Captains, or their Lieutenants, for the extraordinary expenses of process and justice of their *Capitaineries;* and they have power to determine for the Guards of the Chase their wages or fees for their reports, to be paid from the proceeds of fines, the balance of which shall be put into the hand of the Receiver of our Woods or of our Domain, to pay and account for as is done with the other money under his management. We forbid to all Registrars, Sergeants, Guards of the Chase, and other Officers to intermeddle in the collecting of the fines of the Chases; therefore there shall be observed in this respect what is ordered in regard to the fines of our forests.

'41. We suppress all offices of Provosts, Commissioners, and Comptrollers, general and special, of the Chases, together with all Officers who may have been by them appointed, under whatever title it may be, and we forbid to the one and to the other to continue the exercise of their former functions, under pain of a thousand livres fine, and of all expenses, damages, and interests of parties.

Chapter XXXI.—*Of Fishings.*

'*Art.* 1. We forbid to all persons, other than Master Fishers received in the Courts of the *Maitrises* by the Forest-Masters, or by their Lieutenants, to fish in streams and navigable rivers, under pain of a fine of fifty livres, and confiscation of the fish, nets, and other implements of fishing, for the first offence, and, moreover, like confiscation and heavier penalty if it be repeated.

'2. No one can be received as a Master Fisher under the age of twenty.

'3. The Master Fishers of each town or port, where they shall number eight or more, shall every year elect at an

Assize, which shall be held by the Forest-Masters or their Lieutenants, a master of the community, who shall keep an eye upon them, and report to the Officers of the *Maitrise* any abuses which may be committed; and in places in which there are fewer than eight, they shall call together those of two or three of the nearest towns or ports, that they may together appoint one of their number, who shall undertake the same duty, all without charge and without exaction of fees, presents, or entertainment, under pain of exemplary punishment and arbitrary fine.

'4. We forbid to all fishers to fish on Sundays and festivals, under pain of forty livres fine; and to this end we expressly enjoin them, immediately after sunset, to take to the quarters of the master of the community all their implements and tackle, which shall not be restored to them until after sunrise on the next day after Sundays and festivals, under pain of fifty livres of fine, and suspension from the fishing for a year.

'5. We forbid likewise that on other days and seasons when they may fish, they shall do so at other time than between sunrise and sunset, excepting at arches of bridges, at mills, and at fisheries where they may use large drag-nets, in which places they may fish both day and night, provided it be not a Sunday or festival, or be otherwise forbidden.

'6. Fishers cannot fish during times of spawning, namely, in rivers in which the trout abounds above all other kinds of fish, from the 1st of February till the middle of March; and in others from the 1st of April till the 1st of June, under pain for the first offence of twenty livres fine and a month's imprisonment, and of double the fine and two months' imprisonment for the second, and the iron collar, the lash, and banishment from the district of the *Maitrise* for five years, for the third.

'7. We except always from the prohibition in the last article the fishing for salmon, shad, and lampreys, which shall be continued in the customary manner.

'8. Also, they cannot put *bires* or bow-nets of willow at

the end of drag-nets during the time of spawning, under pain of twenty livres fine and of confiscation of tackle for the first time, and being suspended from the fishing during a year for the second.

'9. It is permitted, however, to set *chausses* or mussel-bags of eighteen lines square, and not otherwise, under the same penalties; but spawning time being passed, they may put *bires* of willows by day, the switches of which shall be distant from each other at the least twelve lines.

'10. We cause it to be expressly forbidden to Master Fishers to make use of any implement or tackle prohibited by the ancient ordinances relative to fishings, and besides these those which are called *giles*, *tramail*, *furet* or ferret, *espervier*, *chaslon*, and *sabre*, of which no mention is made in these, or any others which may have been invented to the depopulating of the rivers, as also to go on *barandage*, and to put ferry-boats on the rivers, on pain of a hundred livres fine for the first time, and corporal punishment for the second.

'11. They are forbidden further to *boullier* with *bouilles* or *rabots*, as well under *chevrins*, roots, willows, saughs, burrows, and arches, as in other places, or to set lines with dead and live baits, together with carrying *chains* and *clairons* in their little boats, to go carrying a light, or to fish in the *noues* with a net, and to *boullier* with this to catch the fish and the spawn which may be borne along by the overflowing of the rivers, under any pretext, at any time, or in any manner whatsoever, under pain of a fine of fifty livres against those guilty of contravention, and of being banished for three years from the rivers, and of three hundred livres fine against the Forest-Masters, or their Lieutenants, who may have given them permission.

'12. Fishers shall throw back into the rivers trout, carp, barbels, breames, and millers which they may have caught having less than six inches between the eyes and the tail; and tenches, perches, and mullets which may have less than five, under pain of a hundred livres of fine, and confiscation against the fishers or merchants who may have sold or bought them.

'13. We will that there be in each *Maitrise* a die, on which shall be engraven an escutcheon of our arms, and on the reverse the name of the *Maitrise*, of which use shall be made to seal on lead the tackle or implements of the fishers, who cannot use any upon which the seal has not been impressed, under pain of confiscation, and of twenty livres fine; and the implements and tackle which have been marked shall be registered, along with the day, and the name of the fisher who has had them marked; but this without our officers having power to take any fee.

'14. We forbid to all persons to throw into the rivers any lime, nux vomica, cocullus indicus, *momie*, and other drugs or attractions for the fish, under pain of corporal punishment.

'15. We forbid to all mariners, boatswains, mates, steersmen, and other river watermen, steering their ships, boats, barges, or punts, to have any implements of fishing, be it those permitted or forbidden by the ancient ordinances or the present, under pain of a hundred livres fine, and confiscation of the implements.

'16. We order that all the fishing stages which shall be used on streams and navigable rivers shall be brought to land, and the fishers shall give notice of them to the Sergeants and Guards of Fisheries, who shall be bound to prepare a minute of the same, and to give them in keeping to a responsible person, who shall have the charge of them—of which minute our Attorney shall make a communication to the Registry immediately on its being brought to him by the Sergeant or Guard of the Fishery, and which he shall read at the first Audience; upon which being done, the Master, or his Lieutenant, shall order that if within a month the fishing stage be not demanded and reclaimed, it shall be sold to our profit to the highest and last bidder, and the money proceeds put into the hands of our Receivers, saving that this shall be delivered to him, who shall reclaim them within a month after the sale if it have been so ordered in the cognisance taken of the case.

'17. We forbid the taking away and removal of the fishing stages without the permission of the Officers of our *Maitrises* after the recognaisance which may have been made of them, and they have been adjudged to him who has reclaimed them.

'18. We make it to be forbidden to all persons to go on the pools, fishponds, and ditches when they shall be frozen, for the purpose of breaking the ice, and to make holes, or to carry torches, brands, and other fires thereon, under pain of the punishment for robbery.

'19. Ecclesiastics, seigneurs, gentlemen, and communities who have right of fishing in the rivers, shall be bound to observe, and to cause to be observed, the present regulation by their domestics, and by fishers to whom they may have farmed the right, under pain of being deprived of the right.

'20. We enjoin on them likewise to give by declaration to our Attorneys in *Maitrises*, the names, surnames, and dwellings of the fishers to whom they have given a lease of their fishing, which declaration shall be registered at the Registry of the *Maitrise*, where the fishers shall be bound to take the oath, and to elect annually, in the presence of the Forest-Masters, or their Lieutenants, holding their Assizes, Masters of the community, as do the fishers in our waters, that there may be kept and preserved by them like order as by the fishers of our *Maitrises*.

'21. For the replenishing of our fishponds, the carp shall be at least six inches long, the tench five, and the perch four; and with regard to the pike, it shall be of such a size as the successful bidder at the auction may wish; but there shall not be made a cast in the fishponds and ditches until a year after they have been stocked, which shall also be observed with the fishponds, pools, and ditches of ecclesiastics and communities, the same as with ours. We enjoin on the Officers of *Maitrises* to attend to this without their having power to charge any dues or fees, under pain of charge of exaction.

'22. All Master Fishers in our rivers, and those of

private persons who have the right of fishing on streams and navigable rivers, shall, for depredations which they may commit, answer before the Officers of *Maîtrises*, and not before the Judges of the Seigneurs, to whom we interdict the cognisance of such doings, and they shall be sentenced according to the rigour of our ordinances.

'23. There shall be commissioned in each *Maîtrise* Sergeants for the conservation of the rivers and fishings in sufficient number, with wages and following the regulation which shall be made in our Council, with the advice of the Grand-Masters, to be daily on the streams and rivers, to watch the fishers that they in no way contravene our ordinances, and in case of contravention, seize the implements, and send them, with their minute relative to them, to our Registries of the *Maîtrises;* they shall also summon the delinquents on the first day to answer their charge.

'24. We permit to Masters, Lieutenants, and our Attorneys, to visit the rivers, fish *caufs*, shops, and *estuis* of the fishers, and if they find therein fish which are not of the length and size above prescribed, they shall make a minute of the quality and quantity of those which they have found, and they shall summon the fishers to answer for the misdemeanour, all without expense.

'25. If the Officers of the *Maîtrises* shall find forbidden implements and tackle, they shall cause them to be burned before the gate of their Audience Hall at the close of their Audience, and on the ground of what they have seized they shall condemn the fishers to the penalties declared above, without power to modify them, under pain of suspension from their charges for a year.

'26. All the fines adjudged on account of navigable and floatable rivers, and of all our waters, shall be received for our profit by the Sergeant-Collector of fines in the several *Maîtrises* or of the department, for which they shall account as for those of our forests, and what comes to us shall be paid into the hands of the Receiver-General, as are the other monies under his charge.

CHAPTER XXXII.—*Of Penalties, Fines, Restitutions, Damages, Compensations for Loss, and Confiscations.*

'*Art.* 1. The ordinary fine for depredations by private persons, not having a charge, usage, workshop, or business in our forests, woods, and warrens, committed between sunrise and sunset, without saw and without fire, shall be for the first offence, a fine of four livres for each foot of oak, and of all fruit trees without distinction, and the same for chestnuts; one of fifty sous for each foot of willow, beech, lime, elm, fir, yoke elm, and ash; and thirty sous *per* foot of trees of all other kinds, green and standing, dry or felled, all being taken and measured at half a foot from the ground.

'2. Those who have chopped, branched, and spoiled trees, shall pay the same fine *per* foot round, as if they had felled them at the ground.

'3. For each cart-load of split wood, of squared wood, of sawn wood, or of carpenter's wood, the fine shall be twenty-four livres; for the cart-load of firewood, fifteen livres; for the burden or load of a horse or ass, four livres; and for the faggot or bundle twenty sous.

'4. For stamped trees, *balliveaux*, partition trees, and boundary trees, and other reserved trees, fifty livres; for each corner tree marked with our marteau felled, a hundred livres; and two hundred livres for each corner tree uprooted and removed; we reduce, however, the fine for *balliveaux* of the age of coppice woods under the age of twenty years, to ten livres.

'5. If the depredations be found to have been committed between sunset and sunrise, by saw or by fire, be it by officers of the forests or of the chases, surveyors, *layeurs*, guards, usagers, claimants of rights of usage, herds, shepherds, merchant-buyers or their agents and their factors, guards of sales, woodmen, charcoal-burners, waggoners, masters of forges, furnace-men, brick-makers, and any others employed in the exploitation of the forests and in the

workshops connected with the working of the wood, the fine shall be double.

'6. We will that all the persons specified shall be dismissed the service on repetition of the offence—namely, that the officers be deprived of their charges, the merchants of their purchases, and the usagers of their rights and customary privileges, and that all be banished for ever from the forests, without their being able to hope for any letters of pardon, restoration, commutation, and repeal of banishment, which we forbid to our trusty and well beloved Chancellor of Seals, and to all Judges to grant, notwithstanding contrary commandments or orders, declaring all such as may have been obtained preceding these presents, to be null, and of no effect or value.

'7. Merchants, masters of forges, usagers, borderers and others occupying houses, farms, and other heritages within the enclosure, and within two leagues of our forests, shall remain civilly responsible for their agents, waggoners, herds, and domestics.

'8. And inasmuch as the fines based on girths have been regulated according to the value and condition of the woods in the year 1518, since which time they have risen very much in price, we order that, conformably to the Ordinance made by Henry III. in the year 1588, and to the decrees and regulations of the month of September 1601, June 1602, and October 1623, the restitutions, damages, and compensation for loss shall be adjudged on all depredations at the least at the amount of the fine.

'9. Besides the fine, restitution, damages, and compensation for loss, there shall always be confiscation of the horses, asses, and harness, which may be found loaded with stolen wood, and of saws, hatchets, bill-hooks, and other implements, of which the specified culprits and their accomplices may be found possessed.

'10. The beasts found in act of tresspass, or out of the places of the roads and specified ways, shall likewise be confiscated; and where the beasts cannot be seized, the owners shall be condemned to a fine, which shall be twenty

livres for each horse, ox, or cow, a hundred sous for each calf, and three livres for each sheep or ewe, doubled for the second time, and for the third quadrupled, with banishment from the forests against the herds and other guards and leaders, for which in every case the masters, fathers, heads of families, proprietors, farmers, and tenants of the houses, and dwellers, shall be held responsible.

'11. No delay must take place in the sale of the beasts taken in the act of trespass and confiscated, at their true value to the last and highest bidder on the market day, at the instance of our Attorneys of the *Maitrises;* and if it happen that through the influence of the owners there be no bidders, our Attorneys shall prepare and present a minute of the fact to the Masters or their Lieutenants; and the beasts shall be sent by them to the markets of the towns which may be deemed most expedient for our advantage and profit.

'12. All private persons buying or collecting by day herbage, acorns, or mast, of whatever class and age they may be, or taking any away from the forests, bosques, warrens, and bush, shall be condemned for the first time to a fine—namely, for a burden borne by themselves, a hundred sous; for a load on a horse or an ass, twenty livres; and for a load on a dray, forty livres; the double for a second offence, and for the third banishment from the forests, and also from the province of the *Maitrise,* and in every case the confiscation of the horses and drays which may be found loaded.

'13. All persons who have cut, rooted up, or carried off trees, branches, or leaves from our forests, woods, and warrens, and from those of ecclesiastics, communities, or private persons, for marriage feasts, festivals, and brotherhood meetings, shall be punished by fine, and restitution, damages, and compensation for loss, according to the size and quality of the wood, as they would have been in any other case of depredation.

'14. We forbid to the Officers to pronounce arbitrary fines and punishments, or to pronounce less than are de-

termined by this present Ordinance, or to modify or alter them after sentence has been pronounced, under pain of repetition of the former penalty against them, and of suspension from their charge for the first time, and deprivation on repetition.

'15. There shall not be made a gift, remission, or reduction on any account whatever of fines, restitutions, damages, and compensation for loss, before they have been awarded or thereafter for any person, be he who he may. We forbid the sending of letters or memorials in regard to this; and to Parliaments and Chanceries and their Registrars to register or give any heed to such; and to Grand-Masters and Officers of *Maitrises* to give effect to them, under pain of deprivation of their charges, and of their being made responsible in their persons and in their own names.

'16. The fines of our timber forests, coppice woods, and of woods held in *Grurie, Grairie, Tiers et Danger*, and co-proprietorship, pastures, and pannage, warrens, waters, and rivers, cannot be farmed nor sold under any pretext whatever, and if they be found comprised in any bargain, lease, or auction sale, we declare such to be null and void; we will that they be levied to our profit, with the restitutions, confiscations, and other penalties appertaining to us, by the Sergeant-Collectors of *Maitrises*, and be by them paid to the Receivers, as is ordered by these presents.

'17. The fines which shall be imposed by our Commissioners and Officers, in reformation or otherwise, at the instance of our Attorneys-General or their substitutes, for depredations, abuses, usurpations, surcharges, excess in measurements, and contraventions in waters and forests of ecclesiastics and communities, and in those which are held by *Grurie, Grairie*, or otherwise, shall belong to us without exception or difference, and the lists shall be put into and left in the hands of the Sergeant-Collectors of each *Maitrise* to make recovery of them and account for them as, and under the same terms and penalties as for, the fines adjudged for our waters and forests.

'18. The fines and penalties for the omissions and

depredations of officers, merchants, usagers, and customers, masters of kilns, forges, and furnaces, of workshops and houses, farmers, auction-buyers, borderers, communities, herds, and others having direction, usage, business, and entrance in the forests, shall be received by the Sergeant-Collector of fines in each *Maitrise*, and the sentences and lists shall be executed in the form and manner prescribed by the different chapters of the present Ordinance, and the convicts shall be compelled by all means, including personal imprisonment, to make payment.

'19. The Collectors of fines shall be bound to write on the margin of their rolls what they receive, and to give a receipt for the same, under pain of fourfold restitution of the sums for which they have not given a receipt.

'20. The Collector shall remain responsible for fines, restitutions, interests, and confiscations contained in his rolls in default of his proving within three months after they have been delivered to him, his proceedings of search on discovery of the insolvency of parties from whom they are due, and that sufficient diligence had been used by him.

'21. The diligence shall not be considered sufficient, nor the proceedings *de carence* of goods good, and valid for the discharge of the Collectors of fines, if they be not signed by the curés or vicars, or by the Judge of the places on the representation of the roll *des Tailles et du Sel*, excepting in cases of there having been made new proof by the Officers and our Attorney, in case of a suspicion of fraud, in which case, if proved, the verification shall be made at the expense of the Sergeant-Collectors, who shall, moreover, be condemned to pay fourfold.

'22. The Collectors of fines shall not be discharged of the collection of fines and penalties, notwithstanding all diligence used, and enquiries made by them, until in each year they have furnished to the Grand-Master a statement of their receipts and diligence, which shall be certified on the rolls presented by them, with the documents relative thereto, and after our Attorney having been heard, and on the whole judgment has been passed ordering that the

parties shall be held as possessed of nothing, which we enjoin on the Grand-Masters to do, and on our Attorneys to require it of them, under pain of having to answer for it in their own names.

'23. When there has been an appeal from a sentence of fine, the Collectors appointed in the *Maîtrises* shall make recovery of it after the appeal has been heard, whether the fines have been increased or diminished at the Marble Table or otherwise; and we forbid to all others to intermeddle with the receipt and collection, under pain of a fine of a thousand livres.

'24. The Collector of fines shall have for his fee two sous *per* livre on the recovery and actual receipt which he shall make.

'25. The fines shall not become prescribed in less than ten years, notwithstanding all usages and customs to the contrary.

'26. If it shall happen that the Officers shall have been convicted of having committed forgery or fraud in their reports and proceedings, they shall be condemned to pay quadruple, be deprived of their offices, banished from the forests, and subjected to corporal punishment as abettors and prevaricators; and the Guards who shall have made the reports shall be sent to the galleys for life, without any moderation.

'27. The charges and offices held in the Waters and Forests shall remain specially appropriated, and this to the exclusion of all debts and hypothecs, to meet restitutions, damages, and compensations for loss, fines, and expenses adjudged for depredations, neglegencies, and malversations of the Officers holding them.

'28. All fines, restitutions, damages, compensations for loss, and confiscations of ecclesiastics, commanderies, infirmaries, hospitals, communities, and private persons, shall be adjudicated in the waters and woods, and the sentences and recoveries shall be executed in the same manner as for those which have been pronounced on matters connected with our Waters and Forests.

'So We give it in commandment to our trusty and well-beloved Councillors to the people holding our Court of Parliament and *Chambre des Comptes* in Paris, that they cause these presents to be read, published, and enregistered, and the contents to be kept, observed, and maintained by them without permitting them to be contravened in any kind of way or manner, for such is our pleasure, notwithstanding all edicts, declarations, ordinances, regulations, decrees, and other things to the contrary, which, with their derogatories and contents, We have abrogated, and do abrogate, by these said presents; and in order that this may be a thing firm and stable for ever, we have caused that our seal be attached hereto. Given at St. Germain en Laye, in the month of August, of the year of grace one thousand six hundred and sixty-nine, and the twenty-seventh of our reign. (Signed) LOUIS.

'By the King,
(Signed) 'COLBERT.

'Visa,
(Signed) 'SEGUIER.

'Read, published, heard, and required by the Attorney-General of the King to be executed according to its form and tenor. Done in Parliament, the King sitting there in his Throne of Justice, the third day of August, one thousand six hundred and sixty-nine.

(Signed) DU TILLET.

'Read, published, and enregistered in the *Chambre des omptes*, heard, and thereto consenting the Attorney-General of the King, by express commandment of His Majesty, borne by Monsieur, his only brother, the Duke of Orleans, come for this purpose into the Chamber, assisted by the Sieur Duke du Plessis-Praslin, Marshal of France, and by the Sieurs Daligre and De Sève, Councillors of State and Directors of Finance, the third day of August, one thousand six hundred and sixty-nine.

(Signed) RICHER.'

END.

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